

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION

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UNITED STATES OF AMERICA, )  
 )  
Government, ) Case No. 18-CR-129  
 )  
 )  
vs. )  
 )  
IONEL MURESANU, ) September 10, 2018  
 )  
Defendant. )  
-----

**VOLUME I OF II**

**TRANSCRIPT OF JURY TRIAL**

BEFORE THE HONORABLE J.P. STADTMUELLER

UNITED STATES DISTRICT JUDGE

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26 Ionel Muresanu, defendant, present in person.

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1 (Jury present.)

2 MS. MORENO-TAXMAN: Good morning. It is still  
3 morning, right? Yes, good morning.

4 My name is Karine Moreno-Taxman, and I will be  
5 trying this case on behalf of the United States along with  
6 my colleague, Carol Kraft, and also the special agent,  
7 Zachary Hoalcraft, who is seated here, who you've met  
8 earlier.

9 As the judge told you, opening statements are not  
10 meant to be evidence but they are basically to give you an  
11 overview of what we'll be talking about.

12 We expect this to be a short trial, but there's  
13 certain things I want to talk to you about. Some people  
14 will watch TV, and on TV they will say things like, "Oh,  
15 that's circumstantial evidence," and suddenly, because they  
16 still think it's circumstantial, it's not admissible.

17 In this case, as the judge instructed you,  
18 actually, when we were doing our work, the judge instructed  
19 you that you can use circumstantial evidence as well as  
20 direct evidence, and that sometimes circumstantial evidence  
21 can be stronger than direct evidence.

22 In addition, the witnesses in this case will not  
23 necessarily come forward in the order of how the case  
24 developed. And as you could imagine, unlike TV where we can  
25 script and make sure the actors are in place, these are real

1 people with real lives, so sometimes we have to accommodate  
2 their schedules. We will try to do it as much a  
3 chronological order as we can, but you may be hearing things  
4 out of order. Also, some of the law enforcement officers  
5 did various parts of this investigation, so you will hear  
6 from each officer what they did from beginning to end on the  
7 case. So I'm hoping that my overview today will help you  
8 know where that's coming from.

9                   So the defendant is charged with four crimes in  
10 this case. The defendant is sitting right there,  
11 Mr. Muresanu.

12                   So what are the charges? The first charge has  
13 four elements, those are four parts of the charge, and that  
14 charge is the defendant knowingly and with the intent to  
15 defraud possessed 15 or more access devices, which were  
16 counterfeit access devices.

17                   So you're probably wondering what in the world is  
18 an access device, right?

19                   So, you know, leave it to lawyers to come up with  
20 these terms that when they pass laws and they make things  
21 complicated, and so something that you might use every day  
22 you would never have thought was an access device.

23                   So what is an access device? Let's talk about  
24 that because the defendant is charged with having 15 or more  
25 of those. It can be any card, any code, any account number,

1 like a bank account number, any personal identification  
2 number -- a pin number is what we often call it -- where you  
3 go to an ATM or a time machine, and you put that number in,  
4 that's a pin number. It can be any other means that an  
5 account can be accessed. A bank account can be accessed,  
6 that can be used alone or in conjunction with something  
7 else, is an access device. Okay? And it has to be used to  
8 obtain goods, services, or to transfer funds. Okay?

9                   And you're probably thinking, Is she talking about  
10 my debit card or my credit card? Yes. Okay? So you can  
11 see that that is an access device, it's a card, it's got a  
12 pin code, right, and it goes and puts your money -- you can  
13 get money out of your account. So that is what we're  
14 talking about. Okay?

15                   So now what makes an access device counterfeit?  
16 Because he's charged with having 15 or more counterfeit  
17 access devices. Okay. So now here we come with a little  
18 bit more of a legal definition. Okay? It's any access  
19 device that is counterfeit -- that's not very helpful -- but  
20 fictitious, altered, forged, fake. Okay? That's really  
21 what it means. It's an access device that a counterfeit one  
22 is one that is not what it actually looks like it is.

23                   So an access device is something that was  
24 fraudulent or fakely made. And in this case, these are some  
25 of the over 80 access devices recovered in this case. Okay?

1       And you will see this in evidence. And as you can see, they  
2 say -- I think most of them say they're gift cards. And  
3 some of you may have had experience with gift cards that you  
4 can go to a bank or a store. You can go to Starbucks and  
5 say, "I want to buy my niece \$25 worth of coffee." And you  
6 put that on a card, and you pay for it, and that's what the  
7 card has.

8                 All right. In this case, what the defendant had  
9 were cards that looked like those gift cards, but, in fact,  
10 on the back there's that magnetic strip, right? What was  
11 encoded in that magnetic strip was not what was written on  
12 the front of the card, not the account, not the bank, not  
13 the fact that it's a gift card. But what it is is the  
14 information from somebody else, a real person who this  
15 defendant knew had their account information stolen. Okay.  
16 So that's what makes it counterfeit.

17                 And the second element -- sorry -- the third  
18 element is that he possessed these with the intent to  
19 defraud. Okay? Again, another big turn, but basically to  
20 take money that wasn't his. Okay? That's what it was. And  
21 his conduct affected interstate commerce.

22                 Man, these lawyers are crazy, right?

23                 Okay. So interstate commerce involves business,  
24 trade, travel between states. Almost everything affects  
25 interstate commerce. In fact, the instruction will tell you

1       that it is anything that can have the effect between two  
2       states no matter how minimal. And examples that you will  
3       hear and the evidence here is that this defendant himself  
4       moved across state lines with access devices that banks were  
5       involved. Okay? And banks obviously are interstate. They  
6       affect commerce. That's how we get sort of a pure version  
7       of what banks do, and there's businesses who cash some of  
8       these cards. So you're not going to have any problem, I  
9       don't think, with this element. I think the hardest part of  
10      it is just understanding what it's talking about.

11           So now that we've talked generally about the first  
12      count, which is possessing 15 or more counterfeit access  
13      devices, now we're going to drill down a little bit and talk  
14      about three of those access devices. Okay? Three of those  
15      debit cards that don't look like debit cards, they look like  
16      gift cards, right? And these cards -- so the first element  
17      for those three counts, which are Counts 2, 3, and 4, okay?  
18      Count 1 was the 15 or more general, everything he's got on  
19      him, and then Counts 2 to 4 are the specific counts  
20      regarding three of those cards.

21           So, first of all, it had to be done in relation to  
22      Count 1, and you will see that those three cards were among  
23      those recovered from him. But unlike what we normally have  
24      on gift cards, these are actually, what you're going to  
25      find, are going to have the information, for example, for

1 Count 2, the magnetic strip will have the information of the  
2 actual cardholder. So it looks like a gift card, but it's  
3 not a gift card. It actually has Matthew Palmieri's  
4 information on that card so that someone can use that card,  
5 even though it looks like a gift card, to take out money  
6 from Matthew Palmieri's account. Okay?

7 Count 3 is also an actual account holder, and that  
8 is Shawna L. Edwards, and Count 4 is Erika Lee Borg.

9 Three people, three ordinary people who had no  
10 idea, you will learn during this trial that this defendant  
11 was using their information to take money from their  
12 accounts.

13 So now part of Counts 2, 3, and 4 is that he has  
14 to have taken a means of identification. Okay? So now  
15 we're back to, okay, what is a means of identification? And  
16 the law specifically says that an access device itself is a  
17 means of identification, but it can also be any name, any  
18 number, any pin, all those things. A big part of our credit  
19 cards are debit cards.

20 So this is the card. This is Mr. Palmieri's card.  
21 It doesn't look like a debit card, right? But what you will  
22 learn in this trial, and what the evidence will show you is  
23 that, although it says it's a gift card for you, and it has  
24 that account number, when law enforcement read the magnetic  
25 strip on the back, it's actually Matthew Palmieri's account,

1 and that little yellow sticker is his pin number. Okay?

2                 Here is Shawna Edwards' card. Again, it looks  
3 like a gift card, but in reality that number is her pin  
4 number. It even has what bank she banks at.

5                 And then Count 3 is Ms. Erika Borg's card. Again,  
6 it's not her card. It's her identifying information that  
7 has been put on to this gift card, and that is what makes  
8 someone guilty of aggravated identity theft. So, again, it  
9 looks like a gift card, but it has actually her pin number  
10 on it.

11                 So the first element is that he committed this  
12 offense in relation to the 15 or more cards that were taken.  
13 Okay?

14                 The next element is that in the relation of --  
15 part of this crime -- oops, there we go.

16                 So first that it was related to the 15 or more  
17 cards and then that he acted knowingly; that he knew that  
18 these cards had other people and other persons' real  
19 identification information on it; that he did that without  
20 lawful authority. And you will hear from the victims who --  
21 the alleged victims -- that they had never given this  
22 defendant authority to take money from their accounts; that  
23 they belong to another person, and you will meet those  
24 people, and that he knew they belonged to another person.

25                 So banking has changed. Okay? There was a time

1 when we would go to a bank, and everybody knew each other.  
2 You would go to the front teller. There would be the teller  
3 window. You would show your face. You would fill in a  
4 signature card to open an account, and pretty much the  
5 teller knew who you were, and you knew who the tellers were  
6 in your bank. So banking was very personal.

7 Well, then we all decided that we wanted to have a  
8 more convenient life, and we didn't like the hours of banks,  
9 right? And so if you're from Wisconsin, you might call it a  
10 time card or a time machine or an ATM machine. And we all  
11 liked that, right? We liked the idea that we can go there.  
12 It doesn't matter what time the bank is open or when it's  
13 closed. There you go. You can get money.

14 So what we do, in case someone here hasn't done  
15 this, is you put your card in and you press your pin. You  
16 tell them how much money you want, right? And, voila, it  
17 comes out, right? And it's because you have the card --  
18 that's your card with your identifying information because  
19 you know your pin and those two pieces together allows you  
20 to get your money.

21 Well, we've also changed how we get gifts, right?  
22 Remember when you used to put a \$10 or a \$20 bill in a card?  
23 Right? Well, we don't do that anymore. Well, some of us  
24 still do, but we now have gift cards, and gift cards are  
25 cards that you can use to put on a certain amount of money.

1       And, of course, the amount that you put on that card is  
2       encoded, should be encoded by the person who you're giving  
3       your \$10 to or your \$20 gift at the store.

4                   So now we get to what's called ATM skimming.  
5       Okay? And what ATM skimming is that when an unknowing  
6       account holder puts their card into the machine, there's  
7       actually a device in there that is getting the information  
8       off the magnetic strip. Okay? So you put the card in. You  
9       think everything is fine. You looked around like you  
10      usually do to make sure no one is there, put the card in.  
11      What the cardholders don't know is that there is a little  
12      piece of equipment that has been put in there that will  
13      steal the information on the card. That's not enough,  
14      though, right? What else do you need? You need the pin  
15      number. So they use a pinhole camera which will film you  
16      putting in your four-digit code. All right?

17                  So you're done with the bank, stick your card in  
18      your pocket, no one was around. You go back, and you think  
19      everything is good. Little do you know that while that was  
20      going on, someone else, which the defendant knows very well  
21      how that's done, was taking and stealing that information,  
22      both the magnetic strip information and the pin number.

23                  And then they take the gift cards and put onto the  
24      magnetic strip that information, and then as you saw, put a  
25      little sticker on the front with a pin number.

1                   So this case -- let's talk a little bit about what  
2 the evidence will show you with regard to the facts. This  
3 case started when the Oshkosh Police Department received  
4 information that there was a car that they should  
5 investigate that was at the Motel 6 in Oshkosh, and they  
6 were told further that the car had Tennessee plates.

7                   So as any good law enforcement can do, they went  
8 to the Motel 6 and did surveillance. Lo and behold, a car  
9 with Tennessee plates, that's a white minivan just as was  
10 described, leaves the hotel, and it goes to the Kwik Trip.

11                  So once they get to the Kwik Trip, you will hear  
12 that Detective Hinke, who is an Oshkosh police detective,  
13 she was one of the people doing the surveillance. And when  
14 they went into the Kwik Trip, she wasn't sure yet what they  
15 were doing in there, so she took off -- she was wearing  
16 plain clothes, but she took off her gun. She took off her  
17 badge, and she went in and acted like she was a customer.

18                  When she first walked into the Kwik Trip, she  
19 doesn't see anyone, but then she sees the defendant and two  
20 others coming out of the bathroom, and guess where they go?  
21 They go right to the ATM machine at the Kwik Trip. And  
22 she's watching that the defendant has a satchel on his  
23 person, and he's pulling out cards and putting them in and  
24 out of the machines. She decides to get a closer look,  
25 right? So what does she do? She pretends that she's a

1 customer wanting to use the ATM machine. She goes over to  
2 them, makes them move over and says, "Hey, can I use the  
3 machine, too?"

4 And there she gets a closer look and sees that  
5 they are doing several transactions.

6 At this point, she knows something is not right.  
7 Right? Who does several transactions with different cards  
8 at an ATM machine?

9 She goes outside and waits for them. When she's  
10 outside waiting for them, the defendant walks out, and she  
11 says, "Police. I would like to talk to you," or something  
12 like that.

13 And what does he do? He runs. Runs so fast  
14 trying to get away, and she is grabbing onto his satchel,  
15 and she manages to get that satchel. He runs. She runs  
16 after him. She gets him down. Actually, a citizen came and  
17 helped her because it was a little chaotic what was going  
18 on, and the defendant was arrested.

19 Okay. Also with him were two juveniles. You'll  
20 hear that their names are Surdo and Florin, and you'll hear  
21 a little bit more about what happened with them.

22 So the defendant then gives a statement to law  
23 enforcement. Okay. So now we have the cards, we have the  
24 defendant, and in his very own words he admits. So he  
25 admits under videotape, under audiotape, and in his own

1 handwriting what he was involved with. And you will hear  
2 from this defendant in his own words that he knew what he  
3 was doing, that this was something he knew how to do well.  
4 He had done it for a while, and what he basically did was he  
5 would go from different cities with these cards knowing full  
6 well that they belonged to someone else and tried to get the  
7 money out as quickly as possible.

8 So, really, what his goal was was to make money on  
9 the backs of people who are legitimate account holders.

10 You're going to find that there's overwhelming  
11 evidence in this case. You're going to see that the  
12 officers were very thorough, professional, and did an  
13 outstanding investigation.

14 MR. ULLER: Judge, I'm going to object and ask  
15 that the statement be confined to the evidence. It's  
16 argumentative.

17 THE COURT: The jury has been instructed, so your  
18 objection is noted.

19 You may continue, Ms. Moreno-Taxman.

20 MS. MORENO-TAXMAN: You're also going to see  
21 surveillance video in this case that's going to show you the  
22 defendant, not only at the Kwik Trip store at the machines,  
23 but also him running away from the detective.

24 You're going to see what evidence was collected,  
25 and then you're going to hear from the defendant's own

1 words, his written words, his videotaped words and his  
2 audiotaped words that he was involved, and that he knew  
3 exactly what he was doing.

4                 At the end of this case, we will ask you to find  
5 the defendant guilty of all four counts, and I believe that  
6 the evidence will show you beyond a reasonable doubt that he  
7 is guilty of all four counts.

8                 Thank you.

9                 THE COURT: Thank you, Ms. Moreno-Taxman.

10                 Mr. Uller, do you wish to make an opening  
11 statement?

12                 MR. ULLER: No, Your Honor. Thank you.

13                 THE COURT: Very well.

14                 Ms. Moreno-Taxman, Ms. Kraft, you may call your  
15 first witness.

16                 MS. MORENO-TAXMAN: Detective Hinke.

17                             APRIL HINKE, WITNESS, SWORN

18                             DIRECT EXAMINATION

19                 BY MS. MORENO-TAXMAN:

20                 Q     Detective Hinke, we still have one minute for this  
21 morning, so I will start off by saying "good morning."

22                 A     Good morning.

23                 Q     And how are you employed, Detective Hinke?

24                 A     I am a detective with the City of Oshkosh Police  
25 Department here in Wisconsin.

1           Q     And how long have you been a detective with the  
2 Oshkosh Police Department?

3           A     I have been a detective for about 14 1/2 years.

4           Q     Okay. And how long have you been a police  
5 officer, or at least involved with the Oshkosh Police  
6 Department?

7           A     I have been a police officer with the City of  
8 Oshkosh for about 22 1/2 years.

9           Q     And before being a detective, what positions did  
10 you hold?

11          A     I was a school resource officer for about three  
12 years, and then I was a patrol officer for about five.

13          Q     Okay. And what are your duties as a detective?

14          A     My duties as a detective include working cases  
15 that require more follow-up. Sometimes those cases take us  
16 outside of our jurisdiction. I also work cases that are a  
17 little bit more serious in nature, like burglaries or  
18 homicides or sexual assaults.

19          Q     Okay. I want to direct your attention to  
20 May 16<sup>th</sup>, 2018. Were you working that day?

21          A     Yes, I was.

22          Q     Okay. And did you receive any information  
23 regarding a white van from Tennessee?

24          A     I did at some point, yes.

25          Q     And did that cause you to go anywhere?

1 A It did.

2 Q And where did you go?

3 A I went to the area of the Motel 6 that's in our  
4 city on Washburn Street.

5 Q And in addition to yourself, did other detectives  
6 go there?

7 A Yes. There were several of us.

8 Q And were you dressed in uniform or in plain  
9 clothes?

10 A I was in plain clothes.

11 Q And were any of the detectives in uniform?

12 A No, they were not.

13 Q Were any of them in police cars, cars that are  
14 marked as police cars?

15 A We were in unmarked police vehicles.

16 Q And what were you doing there?

17 A We were basically doing some surveillance based on  
18 the information that we were provided just looking for  
19 suspicious activity at this location as it relates to this  
20 white van.

21 Q Okay. I'm going to ask to please have you look at  
22 the screen. Look at Exhibit 5A. Do you recognize that car?

23 A Yes.

24 Q And can you look at Exhibit 5B? Can you tell us  
25 what that is?

1           A     This is the same van that we saw at the Motel 6  
2 bearing this Tennessee license plate.

3           MS. MORENO-TAXMAN: Your Honor, at this time, I  
4 would move into evidence Exhibits 5A and 5B.

5           THE COURT: All right. The Court will receive  
6 Exhibits 5A and 5B.

7           BY MS. MORENO-TAXMAN:

8           Q     At some point, what time about did you get there,  
9 did the detectives get to the Motel 6?

10          A     Maybe 5:30 p.m. or so. Something. Late  
11 afternoon.

12          Q     Okay. And how long did the surveillance last  
13 about?

14          A     Well, I came in contact with this vehicle around  
15 8:15ish. So we were at the motel for almost three hours at  
16 that point.

17          Q     Okay. And did you see that vehicle at a specific  
18 store in Oshkosh?

19          A     Yes, I did.

20          Q     Can you please look at Exhibit 6? Can you tell us  
21 what that is?

22          A     This is a Kwik Trip convenience store located on  
23 West 9<sup>th</sup> Avenue in the City of Oshkosh.

24          MS. MORENO-TAXMAN: Your Honor, I move Exhibit 6  
25 into evidence.

1                   THE COURT: All right. The Court will receive  
2 Exhibit 6.

3 BY MS. MORENO-TAXMAN:

4                   Q     What happened once you got to the Kwik Trip?

5                   A     Well, Detective Artus and I, along with Sergeant  
6 Ansell, had been surveilling this vehicle when it arrived at  
7 the Kwik Trip. Detective Artus and I had coordinated that I  
8 was going to go inside the store and determine if there was  
9 anything going on with the potential occupants of this  
10 vehicle.

11                  Q     And before you went into the store, did you take  
12 off anything that you were wearing at that point?

13                  A     I did. Although I was still wearing my plain  
14 clothes, I still wear my department-issued weapon and my  
15 handcuffs and badge. So I removed those items before I went  
16 into the store so I looked like the average citizen walking  
17 in there.

18                  Q     Okay. And where was your vehicle at that point?

19                  A     My vehicle, at that point, was parked to the far  
20 west side of this business, which would be to the right of  
21 these doors.

22                  Q     Okay. And when you went in, what did you see?

23                  A     Initially, I didn't see anything that caught my  
24 attention, so I started walking around the store. And as I  
25 got to the back of the store, there were three male subjects

1           that came out of the bathroom together.

2           Q        Okay. And did you see where they went?

3           A        I did.

4           Q        Where did they go?

5           A        I watched them walk over to two ATM machines that  
6        are located near the front doors of the business.

7           Q        And what happened?

8           A        They were using the ATMs for a few minutes. I was  
9        trying to gather what exactly they were doing. So I decided  
10      that I would walk up to one of the ATMs and see if I could  
11      squeeze in and use the one that was being used less  
12      frequently.

13          Q        And do you see one of those three here in court  
14      today?

15          A        I do.

16          Q        And can you please point him out?

17          A        Yes. He is seated at the table behind you in a  
18      light gray suit jacket and vest.

19          Q        And were there two other people with him?

20          A        There were.

21          Q        Okay. And I would like you to look at Exhibit 8.  
22      Can you tell us who that is?

23          A        Yes. That was one of the individuals that was  
24      with the defendant.

25          Q        Okay. And did you later determine that he was a

1 juvenile?

2 A Yes, I did.

3 MS. MORENO-TAXMAN: Your Honor, I would move  
4 Exhibit 8 into evidence.

5 THE COURT: All right. The Court will receive  
6 Exhibit 8.

7 BY MS. MORENO-TAXMAN:

8 Q So now you see them at the ATM machine. Can you  
9 tell what's going on?

10 A As I'm next to them at the ATM on the right, the  
11 defendant is using an ATM to my left, and I could see that  
12 there are multiple transactions taking place at this ATM,  
13 and it appears that different cards are being used to make  
14 these transactions.

15 Q Okay. Did you do anything to get a closer look?

16 A I did. I was right next to them trying to use my  
17 peripheral vision and not draw attention to myself. So I  
18 stayed at the ATM for a period of time even pretending to  
19 use the ATM with my own debit card.

20 Q You didn't use it, though, did you?

21 A I was actually afraid to.

22 Q Okay. After you observed that, what happened?

23 A After I observed the activity going on, I  
24 telephoned my partner, Detective Artus, and I advised him of  
25 what I believed was taking place with the multiple

1 transactions with multiple cards. And I left the store and  
2 went back outside and put on my duty gear and moved my  
3 vehicle.

4 Q Now, did you notice from where the cards were  
5 being taken out of?

6 A Yes. The defendant had a satchel, so kind of like  
7 a purse that was around his neck, and it was in the front,  
8 and he was reaching into the satchel to take these cards  
9 out.

10 Q I'm showing you what's been marked as Exhibit 19.  
11 Can you tell us what that is?

12 A This is the satchel that I recovered from the  
13 defendant. It's kind of grayish-black. It resembles a  
14 purse.

15 Q Is that a picture of it?

16 A Yes, it is.

17 MS. MORENO-TAXMAN: Your Honor, I would move into  
18 evidence Exhibit 19 and 19B.

19 THE COURT: All right. The Court will receive  
20 Exhibits 19 and 19B, as in "boy."

21 BY MS. MORENO-TAXMAN:

22 Q All right. So when you talk about him taking  
23 something out of the satchel, can you show us what you saw,  
24 or where you saw the items that he was taking out?

25 A In the top part of this is a zipper, and in the

1 front there's also a zipper. So somewhere -- I can't tell  
2 you which zipper it was coming out of because I couldn't see  
3 because he had it wearing on the front of him like this and  
4 reaching down. So I'm to the side, but it's coming from one  
5 of these two compartments.

6 Q Could you see what he was pulling out?

7 A They were cards, debit cards, or financial  
8 transaction cards like a debit card.

9 Q Where did you move your card to after you decided  
10 to go outside and talk to the other detectives?

11 A Well, after I talked to Detective Artus and  
12 Sergeant Ansell, we decided that I would move my car next to  
13 this van that I pointed out previously and park right next  
14 to the van.

15 Detective Artus was in a different position  
16 surveilling the store, and he pulled his vehicle into the  
17 lot. So our plan was to basically make contact with these  
18 individuals when they exited the store.

19 Q And what happened?

20 A The individuals, after being in the store for  
21 several minutes, did exit the store. I got out of my  
22 unmarked car and advised them that I was police and to  
23 please stop so that I could talk with them. They briefly  
24 stopped before one took off running in an easterly  
25 direction, I believe. And he was kind of chased by

1 Detective Artus and Sergeant Ansell, and the defendant took  
2 off running in a westerly direction, and I chased him.

3 Q And when you chased him, did you grab anything  
4 that he had on?

5 A When I made contact with him, he had this satchel  
6 in his hand, and we basically -- I wouldn't say struggle.  
7 We both kind of grabbed at it at the same time. So it came  
8 over the top of his head as he ran. So I maintained control  
9 of that satchel as I chased after him around the corner of  
10 the store.

11 Q And then did it become in your possession?

12 A Yes, it did.

13 Q Okay. Was it easy to get the defendant?

14 A He did try climbing a wrought iron fence -- it's  
15 about six feet tall -- but he was not successful, so he was  
16 taken into custody.

17 Q And did a citizen come to help you?

18 A Yes, he did.

19 Q And once he was taken into custody, where did you  
20 take him?

21 A I did not take him anywhere, but he was later  
22 transported to the police department, the Oshkosh Police  
23 Department.

24 Q Before he was taken to the Oshkosh Police  
25 Department -- can you please look at Exhibit No. 7? Can you

1 tell us what that picture is?

2 A That is the defendant as I observed him on the  
3 night of May 16<sup>th</sup>. He's actually sitting on a curb there,  
4 and he is waiting to be transported by a marked unit, a  
5 marked squad unit.

6 Q So when you saw him at the ATM machines, he had  
7 that white jacket, that cap on, and that gold and black  
8 shirt?

9 A Yes, he did.

10 MS. MORENO-TAXMAN: Your Honor, I move Exhibit 7  
11 into evidence.

12 THE COURT: All right. The Court will receive  
13 Exhibit 7.

14 MS. MORENO-TAXMAN: Your Honor, the parties have  
15 stipulated that Exhibit 17 is a true and correct -- 17A  
16 through 17G are a true and correct copy of videotaped  
17 surveillance footage captured on May 15<sup>th</sup>, 2018 and  
18 May 16<sup>th</sup>, 2018 by cameras located inside and outside the  
19 Kwik Trip store at 1725 West 9<sup>th</sup> Avenue, Oshkosh, Wisconsin.

20 The parties also stipulate that the time stamp on  
21 the video is accurate.

22 THE COURT: All right. Thank you.

23 BY MS. MORENO-TAXMAN:

24 Q Were you able to review surveillance video of what  
25 happened in the store when you were in there?

1           A     I was.

2           Q     Okay. So I'm going to ask -- first I'm going to  
3     ask you, did you -- before you did that, once you had the  
4     satchel, did you look inside?

5           A     I did.

6           Q     What did you find inside?

7           A     I believe there was some identification that  
8     matched the information that the defendant provided us as  
9     far as his identity. There was also 80 reloadable -- or  
10    debit cards, gift card type cards that have a magnetic  
11    stripe on the back.

12          Q     I'm showing you what is marked as Exhibit 1A. Can  
13    you identify that for us?

14          A     In this bag is an evidence property envelope that  
15    I completed at the time of this incident.

16          Q     Can you just please hold that up for the jury?

17          A     Oh, okay. Sure.

18                 So this is the evidence envelope that I completed  
19    that night. And in this envelope, I had placed these  
20    reloadable debit cards with the magnetic stripes. These  
21    were all found in the defendant's satchel.

22          Q     Okay. Obviously, on the screen we only have two,  
23    four, six. I would ask that we just move forward so that  
24    you can look at them and identify them as being the same  
25    cards.

1                   Your Honor, at this time, I would move Exhibit 1C  
2 into evidence, and 1A.

3                   THE COURT: All right. The Court will receive  
4 Exhibits 1A and 1C.

5                   BY MS. MORENO-TAXMAN:

6                   Q       When you looked at the cards, did any of them have  
7 anything on them?

8                   A       Yes. Many of the cards, if not all of them, have  
9 a colored sticker on them much like you might see on a  
10 garage sale that are round and different colored, neon  
11 colored. On those stickers was generally a four-digit  
12 number and an abbreviation for something that I determined  
13 later to be names of banks. Some of the cards also had  
14 paper receipts wrapped around them, and these paper receipts  
15 generally were balance inquiries that were being conducted  
16 at ATMs on the card itself.

17                  Q       Now, what you're seeing on the screen are pictures  
18 of those same cards; is that right?

19                  A       Correct.

20                  Q       So is 1C the same cards that you recovered?

21                  A       Well, without going through this entire page  
22 comparing card to card, they appear to be the same. They're  
23 all vanilla gift cards that also double as debit cards.

24                  Q       Could you please go to the third page? And do you  
25 see a card that ends in the number 4793?

1 A Yes, I do.

2 Q I'll give you a pen. Could you please circle that

3 card?

4 A On the paper here?

5 Q Yes, please.

6 A (Indicating.) Okay.

7 Q So that's the card that ends in 4793?

8 A Yes.

9 Q And on page 5, do you see a card that has the

10 numbers 4424?

11 A Yes, I do.

12 Q Can you please circle that card?

13 A I did. I'm sorry.

14 Q Is that the card you circled?

15 A Yes, it is.

16 Q Okay. And now on the ninth page, can you circle

17 the card that ends in 6370?

18 A I found it here.

19 Q Now, looking at those three cards, what do they

20 look like on their face?

21 A On the face of the card it says "Gift." I believe

22 each one of them does. They have the words "Debit." I

23 believe two of them are Visa and one of them is a

24 Mastercard. They're vanilla cards that are reloadable cards

25 that you could purchase or put money on, and they each have

1       an expiration date, and they each have a colored sticker on  
2       them.

3           Q     Looking at that card, does it look to you, just  
4       from looking at it, that the first card you circled, the one  
5       that ended in 4793, actually belonged -- had the information  
6       of Shawna Edwards on that card?

7           A     No. By looking at the card, you cannot tell who  
8       the card belongs to.

9           Q     It looks like a regular gift card, right?

10          A     A gift card, correct.

11          Q     When you look at the card that ends in 4424, can  
12       you tell whether that card has anything that lets you know  
13       that it actually has Erika Borg's information on the  
14       magnetic strip?

15          A     No. It offers nothing of that sort. It just says  
16       "Gift Card Recipient" on the front. There's no name.

17          Q     And when you look at the third card that ends in  
18       6370, again, can you tell if that card belongs to a person  
19       by the name of Matthew Palmieri?

20          A     You cannot tell by looking at the card.

21          Q     And when the defendant and the two others were at  
22       the ATM machine, were any of the people there Matthew  
23       Palmieri?

24          A     I don't believe --

25          Q     Those three people?

1           A     I don't believe so. I don't know who they are. I  
2 can't answer that, but I don't believe that they were.

3           Q     What were the names of the three people that were  
4 at the ATM machine?

5           A     There was an individual by the name of Florin,  
6 there was an individual by the name of Surdo, and there was  
7 an individual who identified himself later as  
8 Ionel Muresanu.

9           Q     So no one identified themselves as Shawna Edwards?

10          A     Correct.

11          Q     And no one identified themselves as Erika Borg?

12          A     Correct.

13          Q     Now, when you looked at those cards, did some of  
14 them have anything wrapped around them?

15          A     Yes. Some of the cards did have a receipt which  
16 came from an ATM. And like I stated earlier, a lot of them  
17 have balancing inquiries that are being conducted, so the  
18 receipt kind of shows the available balance on the card, per  
19 se, or on the account.

20          Q     Okay. Could you please put up 1B?

21                 Can you identify -- it's a several page exhibit.  
22 Four pages. Can you identify what those are?

23          A     These, again, appear to be receipts from various  
24 banks, Bank of America, U.S. Bank. Some of these are just  
25 names -- Allpoint and Cartronics is more than likely the

1 name of the ATM that is in the facility where they're  
2 positioned. These are balance inquiry receipts. As you can  
3 tell, for instance, at the top right one, the Allpoint says  
4 there's a negative balance here. There's an available  
5 balance of \$242 on this particular card. So these are all  
6 balance inquiry receipts.

7 Q Okay. So let's go back to the beginning of this  
8 exhibit and look at the first Bank of America card. What is  
9 the date on that?

10 A The date on this card is May 12<sup>th</sup>, 2018.

11 Q And where does it say that receipt came from?

12 A It appears that it came from Belleville, Illinois.

13 Q Okay. And what does that receipt show was done  
14 with that card?

15 A There was an inquiry to this account on the  
16 checking account for this particular card.

17 Q And did it show a balance?

18 A It does of \$162.28.

19 Q Okay. Moving to the next card -- the next  
20 receipt. Sorry.

21 Can you tell us what date is on that one?

22 A This is also May 12<sup>th</sup>, 2018.

23 Q And where's the location on it?

24 A The city looks like O'Fallon, Illinois.

25 Q Okay. And what information is on that receipt?

1           A     Bank of America is the issuing bank, or the  
2 sponsor for the ATM. And there's a checking account inquiry  
3 showing a balance of just over \$3,200 on this receipt.

4           Q     And then let's look at the third one. Okay.  
5 What's the date on that one?

6           A     This is also May 12<sup>th</sup>, 2018.

7           Q     Okay. And what does that look like to you? Where  
8 is that from and what does it show?

9           A     This is actually a withdraw that is made at an ATM  
10 in Caseyville, Illinois, and it appears that \$200 was  
11 requested from this account, but the transaction was  
12 declined.

13          Q     Okay. And then on the back, did you notice any of  
14 the receipts had the words "No Good" written on them?

15          A     I did. As you can see in this particular example,  
16 this is the back of one of the transaction inquiries for the  
17 balance on the checking, and it's handwritten "No good."

18           MS. MORENO-TAXMAN: Your Honor, I move Exhibit 1B  
19 into evidence.

20           THE COURT: All right. The Court will receive  
21 Exhibit 1B.

22           BY MS. MORENO-TAXMAN:

23          Q     Now, at some point did you collect videotape? Did  
24 your law enforcement agency collect videotape from the  
25 Kwik Trip store?

1           A     Yes. The surveillance that's from the store was  
2     collected by our agency.

3           Q     At some point also did you search the defendant?

4           A     Yes. He was searched when he was taken into  
5     custody.

6           Q     And did you find any receipts in his pockets?

7           A     I don't believe I found any receipts in his  
8     pockets.

9           Q     Okay. Did you find any wallet on his person?

10          A     There was a wallet.

11          Q     Okay. Would you please put up Exhibit 19A?

12           I would like to show you what's been marked as  
13     19C. Can you tell us what that is?

14          A     This is a black Guess bifold men's wallet, and  
15     there is a green sticker stuck to a portion of this wallet  
16     that is similar to those found on the bank cards with a  
17     four-digit number and an abbreviation.

18          Q     Okay. So that number is 8225?

19          A     Correct. 8225 is the four-digit number, and then  
20     the letters say "NAVIF."

21           MS. MORENO-TAXMAN: Your Honor, I would move  
22     Exhibit 19 and 19A into evidence.

23           THE COURT: All right. Exhibits 19 and 19A will  
24     be received.

25           \\\  
\\

1 MS. MORENO-TAXMAN: And 19C as well, Your Honor.

2 THE COURT: And what is 19C?

3 MS. MORENO-TAXMAN: Can you please put up 19C?

4 Isn't that --

5 THE WITNESS: The wallet says "19C."

6 THE COURT: That's the physical exhibit?

7 MS. MORENO-TAXMAN: Yes.

8 THE COURT: All right. The Court will receive  
9 Exhibit 19C.

10 BY MS. MORENO-TAXMAN:

11 Q When you were watching them at the ATM, did you  
12 notice anything being put at the top of the ATM machine?

13 A At the time, there was a lot going on at the ATM  
14 machine, and I have since also looked at the video  
15 surveillance. There were receipts that are being tossed up  
16 on the top of this ATM machine.

17 Q Okay. And were those eventually recovered?

18 A They were.

19 Q Could you please put up Exhibit 1E1?

20 1E is the photos of those receipts. And I'll show  
21 you the actual receipts. Can you tell us what those are?

22 A These are four ATM receipts that came from that  
23 Kwik Trip machine or machines. They are dated May 16<sup>th</sup>,  
24 2018. They have the time stamp on them as well, which is  
25 shortly before 8:30, which was when I was in the store. It

1 has the City of Oshkosh phone number on there with the  
2 Kwik Trip location.

3 Q And are they all dated on May 16<sup>th</sup>?

4 A Yes, they are.

5 Q And are they all dated approximately 8:30, 8:28 to  
6 8:30 that day?

7 A Yes, they are.

8 Q And do those times and dates match when you saw  
9 them at the ATM machine?

10 A Yes, they do.

11 Q Okay. Could you please look at the first one?  
12 All right. Can you tell us what is happening, what that  
13 transaction shows?

14 A Well, it looks like that a balance inquiry was  
15 being conducted on a card that had been swiped at that  
16 location ending in the numbers of 5766, and that this  
17 transaction took place on May 16<sup>th</sup> at 8:28 p.m. The  
18 balance does not show on this particular card.

19 Q Can you take a look at the next receipt?

20 A This has similar information. It also is a second  
21 swipe of this same card. It's just about, I don't know, 30  
22 seconds, maybe later, or a minute at most. It's at 5-16 at  
23 8:29 p.m. I believe it's probably the same number. 5766  
24 are the last four digits, and it's a balance inquiry, but,  
25 again, the balance does not show.

1           Q     And from your memory of what they were doing at  
2 the ATM, would these receipts be consistent with them  
3 checking balances rather than withdrawing money at that  
4 time?

5           A     At that time, yes.

6                   MS. MORENO-TAXMAN: Your Honor, I move into  
7 evidence 1E and 1E1.

8                   THE COURT: All right. The Court will receive  
9 Exhibits 1E and 1E1.

10                  BY MS. MORENO-TAXMAN:

11                Q     Now, you've reviewed the surveillance tapes from  
12 the Kwik Trip?

13                A     I have.

14                Q     Could you please play for us Exhibit 17E?

15                   All these videos are part of the stipulation that  
16 I've already read to the Court.

17                   Can you play that for us, and then we'll talk  
18 about it? Just stop it there for a second.

19                   Now, you obviously are not in this video yet,  
20 right, from what you can tell?

21                A     Correct.

22                Q     But there were three individuals at the ATM  
23 machine that you observed on this videotape?

24                A     Yes.

25                Q     And they are the same three people we're talking

1 about? The defendant, Surdo, and Florin?

2 A Correct.

3 Q Okay. Please continue.

4 And you're not picking any bananas either, right?

5 A No.

6 Q And the date on this is May 16<sup>th</sup>, correct?

7 A Correct. It's right down here at the bottom.

8 Q Can you stop it right there, please?

9 Okay. Now, you're not there yet, right?

10 A I believe I actually have entered the store. I'm  
11 probably out of view, and I'm around the back corner here by  
12 the bathrooms because when I entered, they came out and kind  
13 of went this direction.

14 Q Okay. So that would be the directions from the  
15 bathrooms?

16 A Correct.

17 Q And the person that we see at the ATM machine, who  
18 is that?

19 A That is the defendant.

20 Q And is he wearing the satchel?

21 A Yes. You can only see the back strap, the black  
22 strap going across his back how he has it crisscrossed  
23 across his body there.

24 Q Okay. Please continue.

25 Please stop it there.

1                   Who is that with the soda?

2                   A     That's me. I'm wearing a gray V-neck T-shirt and  
3                   a pair of lighter colored pants and carrying a drink in my  
4                   hand.

5                   Q     And what were you doing at that time?

6                   A     At that time, I was trying to understand exactly  
7                   what they were doing at the ATM and just get a better look  
8                   in general.

9                   Q     Would you please continue?

10                  Where did you go at this time?

11                  A     I believe I was standing at the front counters by  
12                  the clerks at that point, turned around looking back toward  
13                  them.

14                  Q     Did you make a decision to get a closer look?

15                  A     I did.

16                  Q     Is that you again?

17                  A     That's me.

18                  Q     Can you stop it there?

19                  Okay. So is this when you asked to use the ATM  
20                  machine?

21                  A     Yes, I did.

22                  Q     Please continue.

23                  In that video, who is handling the cards?

24                  A     That's the defendant that's still standing at the  
25                  ATM still using it.

1 Q At this point, where have you gone?

2 A I have gone back up towards the front of the  
3 store, and I believe at that point either I was on the phone  
4 or about to call my partners outside to alert them as to  
5 what I believed was going on.

6 Q Now, you've used an ATM machine before, right?

7 A Correct.

8 Q And when you watch this video, is that anywhere  
9 the amount of time that you would take to do just a personal  
10 withdraw?

11 A No. And, actually, as we're watching it, this is  
12 fast forwarded a little bit, so they're actually there  
13 longer than what it's appearing to us right now.

14 Q And that's the defendant still at the ATM machine?

15 A That's correct. You just saw him throw a receipt  
16 or something on top of that ATM.

17 Q Is that another receipt he put up there?

18 A I believe so. And he just placed another card in  
19 there.

20 Q Okay. Could you please play now Exhibit 17D?  
21 That's also part of the stipulation.

22 When you testified earlier that you recovered  
23 video from the date before and from the surveillance, is  
24 that an example of some of the video that was recovered?

25 A Yes. This is actually probably about, I don't

1 know, 18 hours before. It's actually the 15<sup>th</sup> going into  
2 the 16<sup>th</sup>. So early morning hours of the 16<sup>th</sup> just after  
3 midnight. That was some surveillance from that time frame.

4 Q Okay. Now, could you please show us 17G?

5 Who came in on that video?

6 A One of the individuals was the defendant. He was  
7 wearing a red T-shirt, and the other individual was the  
8 person we identified later as Florin, and he was wearing  
9 black.

10 Q Was he carrying the same satchel? Do you want to  
11 see it again?

12 A I would have to see it again.

13 Q It was 17D.

14 A Okay. This is the defendant right here. He's  
15 wearing the satchel with the red shirt (indicating).

16 Q All right. As long as we're looking at the early  
17 morning hours of the day before, could you please show us  
18 Exhibit 17A, which was pursuant to stipulation videotaped on  
19 May 16<sup>th</sup> at 12:09 in the morning.

20 Okay. Who was that?

21 A That was also the defendant wearing the same  
22 clothes.

23 Q Okay. Could you please show us Exhibit 17B?

24 What is the date on that one?

25 A It's hard to read on the bottom of this screen,

1       but I know that this is the early morning hours of  
2 May 16<sup>th</sup>.

3           Q     Okay. And do you recognize the defendant in  
4 there?

5           A     I do.

6           Q     Okay. And what is he wearing?

7           A     He's the individual that keeps coming back up to  
8 the front here wearing the red T-shirt with it looks like a  
9 jean jacket over the top and, again, though, with the black  
10 satchel.

11          Q     Can you tell what he's doing?

12          A     Well, he's stockpiled a bunch of items that looks  
13 like he's paying for at the front of the clerk there.

14          Q     Can you identify what some of those items are?

15          A     I believe that they're drinks and food and snacks.

16          Q     Okay. Can you please show us now Exhibit 17D?

17              Can you identify that for us? What are you seeing  
18 there?

19          A     Well, that's the defendant along with Florin, and  
20 they have left the check-out area. And the direction that  
21 they're walking and crossing in front of those doors into  
22 that path, the ATMs are to the left of that.

23          Q     Okay. And can you please look at Exhibit 17C?

24              What are we seeing here?

25          A     This is a surveillance view of the Kwik Trip

1 cameras. This is the clerk here. You can't see the person  
2 right here, but you can see all the items. There's several,  
3 like, it looks like four packs of Red Bull and Coke and a  
4 couple of sandwiches. He's continuing to pile these items  
5 onto the countertop there.

6 Q And is this image consistent with that being the  
7 defendant who is purchasing those items?

8 A It is.

9 Q Okay. Now, going back to the day that you saw  
10 them at the ATM --

11 THE COURT: Ms. Moreno-Taxman, I think this will  
12 be a good place to break for lunch. We'll pick up with the  
13 balance of the detective's testimony at 1:30.

14 Members of the jury, I'm going to leave you with  
15 the admonition that I've given you throughout the morning,  
16 and it's please do not discuss the case among yourselves nor  
17 with anyone with whom you might have contact before we  
18 reconvene.

19 Once again, I want each of you to continue to keep  
20 the open mind that you've pledged to keep until you've heard  
21 the balance of the evidence and testimony to be offered  
22 together with the Court's instructions on the applicable law  
23 and the closing arguments of counsel.

24 Please leave your notebooks on your chair, and  
25 please be back in the jury room shortly before 1:30. Since,

1 as you can appreciate, without each of you present we are  
2 unable to proceed.

3 Have a great lunch, and we'll see you at 1:30.

4 The Court stands in recess.

5 (Lunch recess.)

6 (Jury present.)

7 THE COURT: Good afternoon, members of the jury.

8 Good afternoon, Counsel. Mr. Muresanu.

9 Detective Hinke, you're under the same oath that  
10 you took when we began your testimony this morning with  
11 Ms. Moreno-Taxman.

12 You may continue with your questions.

13 DIRECT EXAMINATION (Continued)

14 BY MS. MORENO-TAXMAN:

15 Q Good afternoon.

16 A Hello.

17 Q Did you, at some point, go through the satchel of  
18 the defendant, that satchel?

19 A Yes, I did.

20 Q Okay. And did you identify some loose receipts  
21 that were in there as well?

22 A There were receipts in there, I believe. I don't  
23 know if it was in his wallet or the satchel, but there were  
24 some receipts, and there were some balance inquiry receipts.

25 Q I would like you to take a look at what's been

1 marked as 1D1. Can you please identify those?

2 A These are ATM card receipts. I believe I might've  
3 already talked about these in previous testimony. Maybe  
4 not. These are different.

5 Okay.

6 Q Did you recover those?

7 A Yes, I did.

8 Q And where did you recover them from?

9 A From the best of my recollection, it would either  
10 have been from the satchel or the wallet. So I can't tell  
11 you which.

12 Q Okay. But from the defendant's satchel or his  
13 wallet?

14 A Correct.

15 Q Okay. And can you tell us if 1D is a photocopy of  
16 1D1?

17 A It is with the exception of -- I think there's a  
18 couple of receipts, Kwik Trip Wal-Mart receipts on the back  
19 here that are not included with this.

20 Q Can you take off those pages, please?

21 A Sure.

22 MS. MORENO-TAXMAN: Your Honor, I move into  
23 evidence Exhibit 1D and 1D1.

24 Your Honor, I'd like to move into evidence  
25 Exhibits 1D and 1D1.

1                   THE COURT: All right. The Court will receive  
2 Exhibits 1D and 1D1.

3                   MS. MORENO-TAXMAN: Thank you.

4 BY MS. MORENO-TAXMAN:

5                   Q Now, looking at that exhibit that's up there, is  
6 that a copy of one of the receipts that was found?

7                   A Yes.

8                   Q Okay. And can you tell us the date on that?

9                   A The date is May 12<sup>th</sup>, 2018.

10                  Q And which location is that?

11                  A This is in Caseyville, Illinois.

12                  Q Okay. Can you tell us the dates of all the  
13 receipts in that?

14                  A The dates on these receipts are May 12<sup>th</sup>, 2018.  
15 This one as well, I believe, the top left, May 12<sup>th</sup>, 2018.

16                  Q And how much is the available balance on that?

17                  A On this particular card, the ledger balance is  
18 showing as over \$6,200 and available balance at 6,150.19.

19                  Q Thank you.

20                  Can you show the next one, please?

21                  And what's the date on this one?

22                  A May 12<sup>th</sup>, 2018 at about 7:33 p.m. It's also a  
23 receipt indicating that the available balance for this  
24 account is nearly \$1,500.

25                  Q Okay. Thank you.

1                   At this time, I would like to go through, show you  
2 Exhibit 16.

3                   Your Honor, with regard to Exhibit 16, the parties  
4 have stipulated that Exhibit 16 is a three-page exhibit that  
5 contains true and correct copies of purchase transactions at  
6 the Oshkosh Kwik Trip store on May 16<sup>th</sup>, 2018.

7                   I would like them to be received into evidence,  
8 Your Honor.

9                   THE COURT: All right. The Court will receive  
10 Exhibit 16.

11                  MS. MORENO-TAXMAN: Okay.

12 BY MS. MORENO-TAXMAN:

13 Q               Do you have a copy of it in front of you, or no?

14 A               No.

15 Q               Can you tell us what Exhibit 16 is?

16 A               Okay. Exhibit 16 is a receipt from Kwik Trip on  
17 9<sup>th</sup> Avenue in Oshkosh, and it is dated May 16<sup>th</sup>, 2018,  
18 shortly after midnight at 12:24 a.m.

19 Q               So is that around the time that you previously  
20 testified to seeing the video of him going into the  
21 Kwik Trip and buying items and buying them at the counter?

22 A               Correct. The time that he was wearing the red  
23 T-shirt with the jean-looking jacket over the top, correct.

24 Q               And how much did the defendant spend at this time?

25 A               This receipt shows he spent \$67.63.

1 Q Okay. And what does the next receipt show?

2 A I just have one receipt here, I believe. There's  
3 just one receipt in here.

4 Q Okay. Can you look at Exhibit 16? Here. Here's  
5 Exhibit 16. Are those all the receipts that were recovered  
6 from the Kwik Trip for that date?

7 A These are copies of three receipts from Kwik Trip  
8 showing transactions that took place all within a very short  
9 period of time.

10 Q Okay. And were all those transactions at the same  
11 time or approximate time as the videos that we watched where  
12 the defendant entered the store and then put things on the  
13 counter and then purchased them?

14 A Correct.

15 Q So the first one you said was for 64?

16 A 64.41, and then with tax the total is 67.63.

17 Q And what card was used for that, the last four  
18 digits?

19 A It looks like it might be 3654 are the last four  
20 digits on this card.

21 Q Okay. And then the next transaction?

22 A The next transaction takes place about 20 minutes  
23 after the first one. It's for a total of \$178.43.

24 Q Okay. And what items were purchased at that time?

25 A There it looks like all cigarettes that are

1 purchased with that.

2 Q Okay. And then can you tell from this receipt how  
3 it was paid?

4 A Yes. There's a debit card that's used, and  
5 there's -- actually, it looks like two cards are maybe  
6 swiped in this particular transaction, one ends in 3654,  
7 which was just like the first one, and then another card is  
8 swiped, and it ends in 0574.

9 Q All right. Can you look at the third receipt,  
10 please? How much were the purchases the defendant made on  
11 this receipt?

12 A This receipt totaled \$196.52.

13 Q Okay. And what kind of items did it include?

14 A Again, cigarettes, snacks like Pringles, chips,  
15 mints, cheeseburger, chicken sandwich. Same items that we  
16 saw on the counter.

17 Q Okay. And how was that paid?

18 A This was paid by a debit card as well, the same  
19 four digits, last four 3654.

20 Q Okay. Can you look at the next receipt, please?

21 A I just have three receipts.

22 Q Okay. I'd now like you to look at Exhibit 17G,  
23 which is a video. Let's start at the beginning.

24 (Video played to the jury.)

25 \\\

1 BY MS. MORENO-TAXMAN:

2 Q Again, that went pretty fast. What are we seeing  
3 here?

4 A This is the front of the Kwik Trip store with  
5 vehicles parked in the parking lot. The front door is at  
6 the top right of the screen. This is me right here  
7 (indicating). This is the defendant running from me.

8 Q Okay. Let's just wait a minute, please.

9 At this time, you're at the back of the store,  
10 right, what we're not seeing?

11 A Correct. You cannot -- there's no camera there.

12 Q Who was that running?

13 A That was Sergeant Ansell that was coming back to  
14 check on me behind the building.

15 Q So all this time that we're waiting right now,  
16 you're still trying to apprehend him?

17 A Correct. Part of the problem here was I dropped  
18 my handcuffs in the process of this, and so we were waiting  
19 for somebody else to come back there with some handcuffs.

20 Q Who are those two people?

21 A Sergeant Ansell on the left right here, and this  
22 individual was a citizen that had kind of seen what was  
23 going on and had seen the other officers dealing with the  
24 other two people while I was running around the corner, and  
25 he intervened and basically offered to help us.

1 Q Can you please stop it there?

2 Okay. Where is the defendant at this time?

3 A I believe that Detective Robertson had responded.

4 He's the one that came with handcuffs, and I believe he has  
5 grabbed the defendant. And you can't see  
6 Detective Robertson's car because there's a driveway on this  
7 side of the parking lot that's for semi trucks. I really  
8 don't know exactly where his car was parked, but it's my  
9 belief that he was with Detective Robertson at that point  
10 being placed in that car until he was then brought up here  
11 where the other two people are by this squad car now.

12 Q Okay. If you just back it up a little bit.

13 Agent Hoalcraft, if you can just back it up a little bit  
14 where she starts coming back into the scene. Okay. Can you  
15 stop it?

16 Is that you?

17 A That's me.

18 Q And what do you have in your hand?

19 A In my left hand is the satchel that I pointed out  
20 earlier that the defendant had been wearing and retrieving  
21 these cards from.

22 MS. MORENO-TAXMAN: Your Honor, at this time, I  
23 would move into evidence Exhibits 17A through 17E that were  
24 also stipulated to.

25 THE COURT: All right. The Court will receive

1           Exhibit 17A through 17E inclusive.

2           BY MS. MORENO-TAXMAN:

3           Q       Now, could you please play for us Exhibit -- did  
4       you search the vehicle that had the Tennessee plates?

5           A       Yes.

6           Q       Okay. And did you find a receipt in that vehicle?

7                   Let me show you a receipt. You can tell me if it  
8       looks familiar to you. Do you recognize this?

9                   MR. ULLER: What exhibit is this?

10                  MS. MORENO-TAXMAN: 18.

11                  MS. KRAFT: 18B.

12                  THE WITNESS: Yes. This is a receipt --

13                  MR. ULLER: Judge, I'm going to object. We've  
14       talked about this previously. Relevance.

15                  THE COURT: All right. I'll see counsel at  
16       sidebar.

17                   (Bench conference.)

18                  MS. MORENO-TAXMAN: Judge, this is a receipt that  
19       was found in the vehicle. It was purchased with one of the  
20       cards that are the counterfeit access devices, and it shows  
21       that \$649.22 was charged on that card.

22                  I know that we had talked -- the Court had not  
23       ruled on this, and having heard the Court's admonitions, we  
24       will not be putting in the Versace shoes or the shoebox. We  
25       just want to show the receipt that shows that the defendant

1 who was charged is an aider and abettor.

2 One of the items purchased was a \$649.22 item, and  
3 it was using one of the counterfeit access devices.

4 THE COURT: Mr. Uller.

5 MR. ULLER: I don't think they've demonstrated  
6 that this is one of the counterfeit access devices that was  
7 in my client's possession.

8 THE COURT: Subject to the Government tying it up,  
9 the Court will receive and allow testimony and the exhibit,  
10 but it remains subject to the tying up.

11 MS. MORENO-TAXMAN: What the evidence will show is  
12 that this was one of the cards recovered from the  
13 co-defendant, Florin.

14 THE COURT: All right.

15 MR. ULLER: Recovered from?

16 MS. MORENO-TAXMAN: Florin.

17 MR. ULLER: Okay. So it's not one of the cards  
18 that the defendant possessed?

19 MS. MORENO-TAXMAN: Well, we would argue that he  
20 possessed all of them as an aider and abettor. Possession  
21 doesn't have to be one -- only the person holding them.  
22 Throughout his statements, he indicates that Florin was a  
23 juvenile; that he paid him for his services and gave him a  
24 percentage for helping him. And so it is --

25 MR. ULLER: That's interesting.

1 MS. MORENO-TAXMAN: It is part and parcel of the  
2 case.

3 THE COURT: All right. Again, subject to tying it  
4 up, the objection is overruled.

5 MS. MORENO-TAXMAN: Thank you, Your Honor.

6 (In open court.)

7 MS. MORENO-TAXMAN: May I approach the witness,  
8 Your Honor?

9 THE COURT: You may.

10 BY MS. MORENO-TAXMAN:

11 Q So back to Exhibit 18B and 18B1; can you tell us  
12 what those are?

13 THE COURT: Members of the jury, we've got a  
14 technical issue, and as soon as we're ready to proceed,  
15 we'll invite you back.

16 Again, I want to remind you, as I have throughout,  
17 please do not discuss the case among yourselves. I want  
18 each of you to continue to keep an open mind that you've  
19 pledged to keep until you've heard the balance of the  
20 evidence and testimony to be offered together with the  
21 Court's instructions on the law.

22 The Court stands in recess.

23 (Break.)

24 (Jury present.)

25 THE COURT: Members of the jury, I believe we've

1 solved our technical issue, and as I'm sure you've all heard  
2 many times, technology is a wonderful thing, but it has to  
3 work.

4 So, Ms. Moreno-Taxman, you may continue.

5 BY MS. MORENO-TAXMAN:

6 Q Detective Hinke, looking at Exhibit 18B and B1,  
7 what are those?

8 A It's an original and a photocopy of the same  
9 receipt from the Neiman Marcus Department Store in  
10 St. Louis.

11 Q And when you look at that receipt, was it paid  
12 with a credit card?

13 A Yes, it was, with a Visa.

14 Q Okay. And is there an account number identified  
15 on this?

16 A It appears like the last four digits might be  
17 1255.

18 Q Can you blow that up for us, please?

19 Does that look like that to you?

20 A Correct.

21 Q Okay. And was this a receipt that you found in  
22 the white minivan with the Tennessee plates?

23 A Correct. It was located actually inside of a  
24 shoebox in that van.

25 MS. MORENO-TAXMAN: All right. Your Honor, I move

1           in Exhibits 18B and B1.

2           THE COURT: All right. The Court will receive  
3 Exhibits 18B and 18B1.

4           MS. MORENO-TAXMAN: Your Honor, just for  
5 completion of the record, I would also move into evidence  
6 Exhibits 17A through 17G.

7           THE COURT: All right. The Court will receive  
8 Exhibit 17A through Exhibit 17J.

9           MS. MORENO-TAXMAN: Thank you, Your Honor.

10          THE COURT: I believe I misspoke. It's "G," not  
11 "J."

12          MS. MORENO-TAXMAN: Thank you, Your Honor.

13 BY MS. MORENO-TAXMAN:

14 Q        After the defendant was apprehended, where was he  
15 taken?

16 A        He was taken to the Oshkosh Police Department.

17 Q        And did any other law enforcement agents meet you  
18 there?

19 A        Yes. Agents from the United States Secret Service  
20 were there.

21 Q        Okay. And do you recognize anybody in this  
22 courtroom as being one of those agents?

23 A        I do.

24 Q        And where is he seated?

25 A        He's to your left, and that's Agent

1 Zach Hoalcraft.

2 Q Okay. And what were they there for?

3 A Well, they were there for assistance. We had  
4 requested their assistance in this matter, and they were  
5 somewhat aware, I believe, of the information we were  
6 following up on as well.

7 Q And which room was the defendant taken to at  
8 first?

9 A I wasn't there, but it's my understanding he was  
10 placed in a conference room. I did see him there very  
11 briefly.

12 Q And from there where was he placed?

13 A He was placed in a downstairs interview room at  
14 our police department shortly thereafter.

15 Q Did you end up going into that interview room?

16 A I did.

17 Q And is that a video and audiotaped room?

18 A Yes.

19 Q And prior to going in, did you ask Special Agent  
20 Hoalcraft if the defendant had been advised of his rights?

21 A Yes.

22 Q And you reviewed Exhibits 12A and 12B, the two  
23 videotapes of the -- two of the videotapes in which you were  
24 involved?

25 A In the downstairs interview room?

1 Q Yes.

2 A Yes.

3 Q Okay. And can you tell us -- well, let's first  
4 look at Exhibit 12A, please.

5 Can you just stop that a second, please?

6 Okay. So where are you in this video?

7 A We're in an interview room, which clearly is video  
8 and audiotaped. We're in the downstairs portion of the  
9 Oshkosh Police Department, and the person I was speaking to  
10 was an officer that was in the hallway just before I sat  
11 down here.

12 Q Okay. And who are you talking to?

13 A This is the defendant.

14 Q And he's still wearing the clothes he was arrested  
15 in, right?

16 A That's correct.

17 Q Okay. Please continue.

18 (Video played to the jury.)

19 BY MS. MORENO-TAXMAN:

20 Q When you're referring to "Florin," that's the  
21 juvenile that was with him?

22 A Yes.

23 Q And what are you talking about with regard to him  
24 lying about the van?

25 A Florin told me that the van belonged to the

1 defendant, and the defendant stated, no, that the van  
2 belonged to Florin. So they were both pointing the fingers  
3 at each other as to who owned the van or who had possession  
4 of the van.

5 Q Please, continue.

6 (Video played to the jury.)

7 BY MS. MORENO-TAXMAN:

8 Q I would like you to look at Exhibit 14, please. I  
9 have a copy for you so you can see it better. Can you tell  
10 us what that is?

11 A This is a photocopy of an Oshkosh Police  
12 Department permission to search form.

13 Q Who filled that out?

14 A I filled it out with the defendant.

15 Q Okay. And was that before you went into his  
16 phone?

17 A Yes.

18 Q And did he approve and agree to have his phone  
19 searched?

20 A Yes, he did.

21 I want to correct myself. I don't know if it was  
22 before -- I can't remember if it was before where he was  
23 being cooperative here or just afterwards. I want to think  
24 that I filled this out after we did this here, but he had  
25 already told me that he wanted me to bring his phone.

1 Q Okay. So he had already consented to you?

2 A Yes. He had already consented. I think we filled  
3 this out at the end because we were going to -- he was going  
4 to leave, and we were going to leave, and I still wanted to  
5 look at his phone after the fact, and he said it was okay.

6 MS. MORENO-TAXMAN: Okay. Your Honor, I move into  
7 evidence Exhibit 14.

8 THE COURT: All right. The Court will receive  
9 Exhibit 14.

10 BY MS. MORENO-TAXMAN:

11 Q And now could you please look at Exhibit 15? Can  
12 you tell us what that is?

13 A This is a copy of my evidence envelope that I  
14 completed that contains the defendant's cell phone, which is  
15 a Boost Mobile iPhone, and I wrote down the passcode number  
16 or numbers. He provided that to me so I could unlock it.

17 MS. MORENO-TAXMAN: Your Honor, I would move into  
18 evidence Exhibit 15.

19 THE COURT: All right. The Court will receive  
20 Exhibit 15.

21 MS. MORENO-TAXMAN: You can continue.

22 (Video played to the jury.)

23 BY MS. MORENO-TAXMAN:

24 Q I would like to show you Exhibit 13. Can you  
25 identify that for us?

1           A     This is a screenshot of the individual that the  
2 defendant pointed out as being his boss. This is -- I  
3 believe it's a Facebook Messenger contact screen card.

4           MS. MORENO-TAXMAN: Your Honor, I would move  
5 Exhibit 13 into evidence.

6           THE COURT: The Court will receive Exhibit 13.

7           MS. MORENO-TAXMAN: Thank you.

8           (Video played to the jury.)

9           BY MS. MORENO-TAXMAN:

10          Q     So during this interview, was he handcuffed?

11          A     No.

12          Q     And it looks like it was a pretty casual  
13 interview?

14          A     Very casual.

15          MS. MORENO-TAXMAN: Your Honor, at this time, I  
16 would move in video 12A into evidence.

17          THE COURT: All right. The Court will receive  
18 Exhibit 12A.

19          BY MS. MORENO-TAXMAN:

20          Q     And were you present for the beginning of the  
21 second interview as well?

22          A     I believe the Secret Service may have come in, and  
23 they wanted to talk to him some more. And I was in the room  
24 briefly, but I left pretty much right away.

25          Q     Okay. I would like you to listen to 12B, please.

1           A       Okay.

2                     (Video played to the jury.)

3 BY MS. MORENO-TAXMAN:

4           Q       What are you showing him there?

5           A       So in my right hand is my work cell phone, and on  
6 that phone were some photographs that were sent to me and  
7 other detectives that was part of the information we were  
8 working on. And I had shown him a photograph and asked him  
9 to identify who was in it because he had agreed that he  
10 would do that. And in here he admits that it was him and  
11 also Florin, and it was three or four months ago.

12          Q       Okay. And were those photographs actually stamped  
13 during January of 2018?

14          A       I honestly can't remember off the top of my head.

15          Q       When he told you it was three or four months ago,  
16 did that appear consistent to you with the time frame?

17          A       It was close. If I remember correctly, it was,  
18 like, maybe a month off or something like that, but it was  
19 pretty close.

20          Q       Okay. And what kind of photos were you showing  
21 him?

22          A       They were surveillance photos, I believe.

23                   MR. ULLER: Objection. Relevance.

24                   THE COURT: The objection is overruled.

25                   You may answer the question.

1                   THE WITNESS: The photographs were surveillance  
2 photos that were from other financial institutions or banks.

3 BY MS. MORENO-TAXMAN:

4 Q        Okay. And what state were they from?

5 A        Tennessee.

6 Q        And what did the picture -- the pictures that you  
7 show depict him doing?

8 A        He was in front of an ATM machine.

9 Q        And he identified himself as being that  
10 individual?

11 A       Yes, he did.

12 Q       All right. Please continue.

13 (Video played to the jury.)

14                   MS. MORENO-TAXMAN: Your Honor, at this time, I  
15 would move Exhibit 12B, subject to connection, with regard  
16 to the rest of the videotape.

17                   THE COURT: All right. Exhibit 12B will be  
18 received subject to tying it up.

19                   MS. MORENO-TAXMAN: I have no further questions at  
20 this time for this witness.

21                   THE COURT: All right. Thank you.

22                   Mr. Uller, you can cross-examine.

23                   CROSS-EXAMINATION

24 BY MR. ULLER:

25 Q        When you interviewed Mr. Muresanu, did you obtain

1 background information? You call it sometimes pedigree  
2 information?

3 A No.

4 Q Were you able to determine his age?

5 A I believe we were with his identification.

6 Q And how old was Mr. Muresanu when you arrested  
7 him?

8 A I believe he's 18.

9 Q He was cooperative with you in your  
10 interrogations, or your conversations with him?

11 A During my interrogation -- obviously, he ran from  
12 me in the beginning, but after that he was very cooperative  
13 with me.

14 Q You've talked a little bit about the receipt from  
15 the department store?

16 A Yes.

17 Q That evidence, or that receipt was connected to  
18 one of the other individuals arrested; is that correct?

19 A Well, that's the defendant's information that he  
20 provided me, that it belonged to Florin.

21 Q Did you tie up the cards at all? Were you able to  
22 determine whether that receipt was connected to any of the  
23 cards that Mr. Muresanu possessed?

24 A I don't know that any follow-up was done with  
25 that, per se.

1 MR. ULLER: That's all, Your Honor.

2 THE COURT: Anything further?

3 MS. MORENO-TAXMAN: No, Your Honor.

4 MS. KRAFT: The next witness is Detective Dean  
5 Artus.

6 THE COURT: Thank you, Detective. You're excused.

7 You may step down. You may give counsel all the exhibits  
8 that are before you.

9 MR. ULLER: Judge, while we're waiting for the  
10 witness, can we have a brief sidebar?

11 THE COURT: Certainly.

12 (Bench conference.)

13 MR. ULLER: You know, one statement has come in.  
14 That statement involved Mr. Muresanu admitting putting the  
15 devices on, taking them off, and knowing how it all works.

16 Again, I think at this point, any putting on  
17 testimony or evidence of the other statements where he says  
18 the exact same thing is cumulative at this time, and under  
19 403, I'm going to move to exclude any further evidence of  
20 that as a waste of time. Obviously, I didn't put on a  
21 vociferous cross-examination of that witness about that.

22 That would be my position.

23 THE COURT: It is the Government's case. If you  
24 want Ms. Kraft and Ms. Moreno-Taxman to ask me to enter into  
25 a stipulation that he essentially said the same things to

1 other law enforcement, that corroborates his own statements,  
2 corroborates evidence as testimony, that's fine, but absent  
3 that, it's their case.

4 MS. MORENO-TAXMAN: We decline, Judge.

5 THE COURT: Certainly.

6 MS. MORENO-TAXMAN: Thank you.

7 (In open court.)

8 DEAN ARTUS, WITNESS, SWORN

9 DIRECT EXAMINATION

10 BY MS. KRAFT:

11 Q Good afternoon, Detective Artus. Will you please  
12 tell the ladies and gentlemen of the jury how you're  
13 employed.

14 A I'm a detective with the City of Oshkosh Police  
15 Department.

16 Q How long have you worked for the Oshkosh Police  
17 Department?

18 A I've worked approximately 26 1/2 years.

19 Q And how long have you been a detective?

20 A Approximately 23 years.

21 Q Can you tell us whether or not you were involved  
22 in an investigation that started at a Motel 6 in the City of  
23 Oshkosh on May 16<sup>th</sup>, of 2018?

24 A I was involved.

25 Q And can you tell us at what point you became

1 involved in that investigation?

2 A My involvement began with the surveillance of a  
3 suspicious vehicle at the Motel 6 parking lot.

4 Q You passed Detective Hinke as she was leaving  
5 today?

6 A Yes.

7 Q Was she involved in that investigation as well?

8 A Yes, she was.

9 Q Do you recall approximately what time it was that  
10 you began your involvement in the investigation? What time  
11 of day?

12 A I probably became involved around 5:00 p.m. that  
13 afternoon.

14 Q And do you typically wear a uniform, or do you  
15 work in plain clothes?

16 A I work in plain clothes.

17 Q And you were in plain clothes on May 16<sup>th</sup>; is  
18 that correct?

19 A That is correct.

20 Q Were you working with any other individual when  
21 you started your part in that investigation on May 16<sup>th</sup>?

22 A Yes. Sergeant Ansell, a sergeant in the detective  
23 division, was also with me in my vehicle.

24 Q And he also was there basically to conduct  
25 surveillance of the activity at the motel; is that correct?

1           A     That is correct.

2           Q     Did you have information about any particular  
3     vehicle that was perhaps involved in suspicious activity at  
4     the motel that day?

5           A     Yes.

6           Q     What type of vehicle was that?

7           A     It was a white van with Tennessee license plates.

8           Q     Were you, from the vantage point of your  
9     surveillance, able to see such a vehicle at the motel on  
10    May 16<sup>th</sup>?

11          A     Where I was parked, I could not see where it was  
12    parked, but as it left, I did see the vehicle.

13          Q     Okay. And how is it that you first -- were you  
14    alerted by another detective that it was leaving, or did you  
15    actually see it leaving the parking lot from the motel at  
16    some point?

17          A     I saw it leaving.

18          Q     What did you do when you saw it leave the motel?

19          A     Once I saw the vehicle leave the motel lot, we  
20    followed that vehicle.

21          Q     And "we" is you and Sergeant Ansell?

22          A     Yes.

23          Q     Okay. Was it your vehicle or Sergeant Ansell's  
24    vehicle that you were in that day?

25          A     It was my vehicle.

1 Q So were you driving?

2 A Yes.

3 Q Okay. How far did you follow that vehicle?

4 A The vehicle only went a short distance, probably  
5 half a mile, and immediately pulled into a Kwik Trip parking  
6 lot.

7 Q Okay. In front of you is a folder that has some  
8 exhibits in it. Could you open it up, please? Can you find  
9 the top exhibit? It should be marked "Exhibit 5C." Do you  
10 recognize that?

11 A Yes.

12 Q What do you recognize that to be?

13 A That is an aerial photograph of a map of the City  
14 of Oshkosh depicting the route that van took.

15 Q Okay. And does that aerial look on that map as  
16 you recall it looking on May 16<sup>th</sup> of 2018?

17 A Yes.

18 Q And on the map, is the location of the Motel 6  
19 visible?

20 A Yes, it is.

21 MS. KRAFT: Your Honor, at this point, I would  
22 move into evidence Exhibit No. 5C, and I would like to --  
23 well, obviously, it's published already.

24 THE COURT: The Court will receive Exhibit 5C.

25 \\\

1 BY MS. KRAFT:

2 Q Mr. Shepherd, can we have the pointer maybe? Is  
3 it up there? Oh, okay.

4 Can you take that pointer, Detective Artus, and  
5 show us where the Motel 6 was located -- or is located on  
6 that map?

7 A Motel 6 is right here (indicating).

8 Q Okay. And there's a blue line that's been, I  
9 guess, created on that. What does that blue line show?

10 A That is the traffic path that the van took to get  
11 to Kwik Trip where he went into the lot and into the store.

12 Q Okay. And the record should reflect that  
13 Detective Artus has used a pointer to locate both the Motel  
14 6 and the Kwik Trip; is that correct?

15 A Yes.

16 Q All right. Approximately, what is the distance  
17 between those two locations?

18 A I would estimate maybe half a mile.

19 Q Okay. And how long did it take you to get to the  
20 Kwik Trip when you observed the white van pull into the Kwik  
21 Trip parking lot?

22 A Probably two or three minutes.

23 Q Okay. What did you do when you got to that area?  
24 Did you pull your vehicle into the Kwik Trip lot?

25 A No. As the van pulled into the Kwik Trip lot, I

1 continued eastbound on 9<sup>th</sup> Avenue passed the lot, and a  
2 short distance down the road, I was able to turn around and  
3 come back.

4 Q Okay. And where did you then locate your vehicle  
5 when you returned?

6 A When I returned, we pulled into the lot across the  
7 street, which is a CVS Pharmacy, which gave us a vantage  
8 point and a viewpoint of the front of the Kwik Trip store.

9 Q Okay. Now, I believe these exhibits have already  
10 been received, but you should have in front of you 5A and  
11 5C. Are those in your folder?

12 A 5A and 5B.

13 Q 5A and 5B. I apologize. 5C was the map.

14 A Yes, I have 5A and 5B.

15 Q And do you recognize what is depicted in those two  
16 photographs?

17 A Yes. That is the van that we were following.

18 Q All right. Did you see where the van located  
19 itself in the Kwik Trip parking lot when you took the  
20 position that you took upon returning back to the area?

21 A Yes. They parked directly in front of the store  
22 just to the east of the front doors of the Kwik Trip.

23 Q And were you able to make any observations from  
24 your vantage -- can you show us on the map where it is that  
25 you parked your vehicle initially?

1           A     I parked my vehicle right in this general area  
2 right here. And the Kwik Trip is right here directly across  
3 the street (indicating).

4           Q     What were you able to observe from your vantage  
5 point at that time?

6           A     From that vantage point, I was able to see through  
7 the front Kwik Trip windows using binoculars and could see  
8 activity inside the store.

9           Q     What type of activity did you see?

10          A     Once I had arrived at CVS, I could not see the  
11 three individuals that had been in the van that we saw leave  
12 the Motel 6 lot. As I continued to watch the store, I can  
13 see those three individuals come out of an area that is  
14 familiar to me in that Kwik Trip to be the bathroom area.

15          Q     Were you in radio communication with  
16 Detective Hinke at that point in time?

17          A     Yes.

18          Q     And did she provide any information to you that  
19 caused you to change your location?

20          A     Yes.

21          Q     What information caused you to change your  
22 location?

23          A     Detective Hinke had gone into the gas station and  
24 indicated to us, as she exited, that she observed suspicious  
25 activity with the three males at the ATM machine and looked

1 like they were using counterfeited cards.

2 Q So what did you do then?

3 A So, at that point, myself and Detective Ansell  
4 repositioned our vehicle, drove into the Kwik Trip lot and  
5 parked and were waiting for those three individuals to come  
6 out of the store.

7 Q Did they do that?

8 A They did.

9 Q And what happened when the three individuals came  
10 out?

11 A Once they came out, Detective Hinke initially  
12 tried to make contact, and almost immediately there was a  
13 foot chase. One individual had run around the front of my  
14 vehicle towards the east. Myself and Detective Sergeant  
15 Ansell followed him and ultimately arrested him.

16 Detective Hinke had run to the west direction and  
17 ultimately arrested the defendant.

18 After the first individual that myself and  
19 Sergeant Ansell had arrested was in custody, I then got up  
20 and went to the front door area and made contact with the  
21 third individual and detained him.

22 Q Okay. And who is the first individual who was  
23 detained that you helped Sergeant Ansell with? What was his  
24 first name?

25 A He was a juvenile identified as Florin.

1 Q And how about the second juvenile?

2 A Another juvenile identified, first name as Surdo.

3 Q Okay. And do you see the third individual who was  
4 at that Kwik Trip in court today?

5 A Yes, I do.

6 Q And where is that person sitting, and what is he  
7 wearing?

8 A He's seated at the table behind you wearing a gray  
9 suit.

10 MS. KRAFT: I would request the record reflect the  
11 identification of the defendant, Your Honor.

12 THE COURT: The record will so reflect.

13 BY MS. KRAFT:

14 Q And by who was he apprehended?

15 A Detective Hinke.

16 Q Now, did you, before today, have an opportunity to  
17 review some video surveillance footage that was recovered  
18 from the Kwik Trip store which recorded the events that  
19 happened outside the Kwik Trip store on May 16<sup>th</sup>?

20 A Yes, I did.

21 Q And when you reviewed that video, were you able to  
22 see yourself and Detective Ansell and Detective Hinke  
23 engaged in activity?

24 A Yes.

25 MS. KRAFT: Okay. Your Honor, at this point, I

1 would like to publish Exhibit No. 17. It's already been  
2 received in evidence.

3 THE COURT: All right. The request is granted.

4 MS. KRAFT: Thank you.

5 BY MS. KRAFT:

6 Q Do you see yourself in that video, Detective?

7 A Yes, I do. This is me.

8 Q And who is the individual next to you?

9 A That is Sergeant Ansell.

10 Q Would you continue?

11 What are you doing at that point?

12 A At that point, we were approaching the three  
13 individuals as they were coming out of the store.

14 Q Okay. And can you just stop and back up a minute,  
15 Agent Hoalcraft?

16 Who is that at the lower left-hand corner of the  
17 screen?

18 A That is Detective Hinke.

19 Q And what is she doing?

20 A She is chasing this individual, who is the  
21 juvenile identified as Florin.

22 Q Now what is she doing?

23 A She is going back to the front door area  
24 approaching the other two individuals that had come out of  
25 the store.

1 Q The defendant and the second juvenile?

2 A That is correct.

3 Q Continue on.

4 Okay. Do you see what's happening behind that car  
5 that's furthest to the left of the screen as we're looking  
6 at it?

7 A Yes. That was me coming back to the front door  
8 area and making contact and detaining the third individual.

9 Q And at some point, do you get all three of the  
10 subjects in custody?

11 A Yes.

12 (Video played to the jury.)

13 BY MS. KRAFT:

14 Q Now, did you have an opportunity to search any of  
15 those individuals?

16 A Yes, I did.

17 Q Who did you search?

18 A The juvenile identified as Florin.

19 Q And did you recover any items from him?

20 A Yes, I did.

21 Q I'm handing you what's been marked for  
22 identification as 2A. Do you recognize what that is?

23 A Yes. This is our evidence envelope of which I had  
24 documented two cards that I had recovered from Florin out of  
25 his wallet.

1           Q     And in front of you there should be a photograph  
2     that's marked "2B" for identification purposes. Do you  
3     recognize that?

4           A     Yes.

5           Q     What do you recognize it to be?

6           A     Those are the two cards that I had recovered from  
7     the juvenile Florin's wallet.

8                 MS. KRAFT: Okay. I would move into evidence at  
9     this point, Your Honor, Exhibit Nos. 2A and 2B, and I would  
10    request permission to publish.

11              THE COURT: All right. The Court will receive  
12    Exhibits 2A and 2B, and you may publish.

13              MS. KRAFT: Mr. Hoalcraft, would you bring up 2B?  
14    BY MS. KRAFT:

15            Q     Now, if we can focus on the top card.

16                 Detective Artus, are you able to see on the  
17     screen -- or if you have to look at the card itself -- the  
18     last four digits that are on that card that was recovered  
19     from Florin?

20            A     The last four digits are 8540.

21            Q     Thank you.

22                 Now, did you locate any other items of evidence on  
23     the person of the juvenile who was identified as Florin?

24            A     Yes, I did.

25            Q     What else did you locate?

1           A     I recovered 12 gift cards from his pocket as well  
2     as 6 receipts in his pocket as well.

3           Q     Okay. And now I'm going to hand you an exhibit  
4     that's been marked 3A for identification purposes. Can you  
5     tell me whether or not you recognize that?

6           A     Again, this is an evidence envelope that I had  
7     used to document the 12 cards that I had taken from the  
8     pocket of the juvenile Florin along with the 12 cards.

9           Q     And in front of you in the folder should be an  
10   exhibit that's marked "3B." Do you see that?

11          A     Yes.

12          Q     Can you tell me whether or not that is a  
13   photograph of the 12 cards that are in Exhibit 3A?

14          A     It is.

15          Q     We should have a 3C.

16                 Let's do this. There is an exhibit in the folder  
17   in front of you that's marked "3C." Do you know what those  
18   are?

19          A     Yes. These are photocopies of the six receipts  
20   that I took off of the juvenile Florin that were in his  
21   pocket.

22                 MS. KRAFT: Okay. I would move into evidence  
23   Exhibit No. 3C, which is a photograph of the six receipts,  
24   Your Honor.

25                 THE COURT: All right. The Court will receive

1                   Exhibit 3C.

2                   MS. KRAFT: May I publish?

3                   THE COURT: You may.

4                   BY MS. KRAFT:

5                   Q      Detective Artus, I would like to direct your  
6                   attention to the receipt that's in the upper left-hand  
7                   corner of the screen as we are looking at it. Can you tell  
8                   us, what is the date on that receipt?

9                   A      5-12-2018.

10                  Q      Now, that appears to be an ATM receipt; is that  
11                  correct?

12                  A      Yes.

13                  Q      Okay. And is there an address where that ATM  
14                  would've been located?

15                  A      Yes. 753 West Highway 50, O'Fallon, Illinois.

16                  Q      Are there digits that represent the last four  
17                  digits of the card number on that receipt?

18                  A      Yes. 9973.

19                  Q      And can you tell us what type of transaction by  
20                  looking at that receipt -- what type of transaction that  
21                  receipt reflects?

22                  A      That appears to be a balance inquiry of that  
23                  account.

24                  Q      Okay. And what is the available balance on that  
25                  receipt at that time?

1 A \$196.80.

2 Q All right. Now, can we look at the receipt that's  
3 on the lower right-hand side of the screen?

4 And can you tell us the date on that receipt?

5 A 5-12-2018.

6 Q Is that the same location as the receipt that we  
7 looked at a minute ago?

8 A Yes, it is.

9 Q And what is the card number?

10 A It's the same last four, 9973.

11 Q And what does that receipt reflect -- what about  
12 the transaction does that receipt reflect?

13 A That receipt reflects a withdraw from the account  
14 of \$180 with a \$3 terminal fee.

15 Q For a total of \$183?

16 A Yes.

17 Q From that \$196 balance?

18 A That is correct.

19 Q Now, Detective Artus, can we look at the receipt  
20 that is on page 2 of this exhibit on the left-hand side?  
21 And what is the date on that receipt?

22 A 5-12-2018.

23 Q And does that receipt reflect the same location as  
24 the other two receipts we looked at?

25 A Yes, it does.

1 Q And what is the card number, the last four digits  
2 of the card number on that receipt?

3 A That card number is 0708.

4 Q And what type of transaction does this receipt  
5 reflect?

6 A Again, this is a balance inquiry on that account.

7 Q And then if we go back to the first page, and we  
8 look at the receipt that's at the upper right-hand corner,  
9 what is the date on that receipt?

10 A 5-12-2018.

11 Q Is it the same address?

12 A Yes, it is.

13 Q What is the card number?

14 A 0708.

15 Q And what type of transaction does that receipt  
16 reflect?

17 A This reflects a \$300 withdraw with a terminal fee  
18 of \$3, for a total of \$303 from that account.

19 Q Okay. And then, finally, the second receipt, the  
20 one on the right-hand side of page 2, what is the date on  
21 that?

22 A 5-12-2018.

23 Q And is it the same address?

24 A It is not.

25 Q What address is this one?

1 A 1803 North Illinois Street, Swansea, Illinois.

2 Q And is there a card number? Are the last four  
3 digits of the card number there?

4 A Yes. 6891.

5 Q And what type of transaction does that receipt  
6 reflect?

7 A This is a balance inquiry for that account.

8 Q All right. And then if we can go back to page 1,  
9 the receipt that's in the lower left-hand corner of this  
10 exhibit, what is the date of that?

11 A 5-12-2018.

12 Q Is this also at the Swansea, Illinois, address?

13 A It is.

14 Q What are the last four digits of that card?

15 A 6891.

16 Q What type of transaction is reflected on this  
17 receipt?

18 A This is a withdraw of \$100 plus a \$3 service -- or  
19 a terminal fee for a total of \$103 withdraw from that  
20 account.

21 Q Okay. So would it be fair to say on this date a  
22 total of about \$598 was withdrawn from three cards, using  
23 three cards?

24 A Yes.

25 Q Now, in front of you should also be an exhibit

1       that's marked 8C, which I believe has already been received  
2       into evidence. Would you see if you can locate that?

3           A      I have it.

4           Q      Okay. Do you recognize that?

5           A      Yes.

6           Q      Do you recognize the person who is depicted in  
7       that?

8           A      Yes. This is the juvenile we identified as  
9       Florin.

10          Q      The juvenile from whom you recovered the two cards  
11       that you testified were in his wallet, the 12 cards that  
12       were in his pocket and the 6 receipts we just looked at; is  
13       that correct?

14          A      That is correct.

15          Q      Now, were you part of the team that conveyed these  
16       actors down to the Oshkosh Police Department?

17          A      Yes. I conveyed the defendant to the police  
18       department.

19          Q      Did you have any further interaction with him that  
20       day?

21          A      Much later in the day, not that night.

22          Q      Okay. At some point, did you participate in an  
23       interview of the defendant?

24          A      Yes.

25          Q      All right. Do you recall what date and time of

1 day that was?

2 A I interviewed him on 5-17-2018 and again on  
3 5-18-18. Both would've been in the afternoon hours.

4 Q On either of those dates, were you the person who  
5 advised him of what those things that are commonly referred  
6 to as the Miranda warnings?

7 A Yes, I was.

8 Q On which date?

9 A I believe it was both dates, but I'm not 100% sure  
10 on 5-17.

11 Q In front of you, there should be an exhibit that  
12 is marked "14A." Do you see that?

13 A I do.

14 Q Okay. What is that?

15 A This is the Miranda form that we use, and this is  
16 the Miranda form I read to the defendant on 5-18-2018 at  
17 approximately 2:22 p.m.

18 Q And were you aware that he had been interviewed by  
19 others prior to that day?

20 A Yes, I was.

21 Q Why is it that you sought to interview him further  
22 on that day?

23 A Just to gather more information about the overall  
24 operation of what he was involved in.

25 Q Okay. What rights did you advise the defendant

1           that he had?

2           A     I advised him he had the right to remain silent.  
3         Anything he said could and would be used against him in a  
4         court of law. He had the right to consult with a lawyer  
5         before any questioning and have a lawyer present with him  
6         during questioning. If he cannot afford to hire a lawyer,  
7         one would be appointed to represent him at public expense  
8         before or during any questioning if he wished. If he  
9         decided to answer questions without a lawyer present, he had  
10       the right to stop the questioning and remain silent at any  
11       time he wished and the right to ask for and have a lawyer at  
12       any time he wished including during the questioning.

13           Q     In your mind, did he understand those rights when  
14         you advised him?

15           A     Yes.

16           Q     Did he say or do anything to indicate to you that  
17         he did not understand?

18           A     He did not.

19           MS. KRAFT: Your Honor, at this time, I would move  
20         into evidence Exhibit No. 14A and ask to publish.

21           THE COURT: You may.

22           BY MS. KRAFT:

23           Q     And that's the form that you just read to us; is  
24         that correct?

25           A     Yes, it is.

1 Q And is your signature on that form?

2 A Yes, it is, as the officer giving the rights.

3 Q And you were with another officer at that time; is

4 that correct?

5 A Yes. I was with Detective Robertson.

6 Q Who is also an Oshkosh police detective?

7 A Yes.

8 Q Did Mr. Muresanu sign the form?

9 A Yes, he did.

10 Q Where is his signature on the form?

11 A His signature is on the signature line right there

12 (indicating).

13 Q And is he the person who also wrote "yes," saying

14 that he understood the rights and was willing to talk?

15 A Those were questions I asked him, and I wrote the

16 responses.

17 Q Now, have you had an opportunity to listen to

18 excerpts of that interview that you and Detective Robertson

19 had with him that day?

20 A Yes.

21 MS. KRAFT: Okay, Your Honor, at this time, I

22 would offer into evidence Exhibit No. 12F, along with the

23 transcript 12F1.

24 THE COURT: All right. I believe the exhibit has

25 been received. You may play it.

1 MS. KRAFT: Thank you.

2 (Video played to the jury.)

3 BY MS. KRAFT:

4 Q Can you stop it there?

5 Now, when you and Detective Robertson are asking  
6 about skimmers, why are you asking that?

7 MR. ULLER: Objection. Relevance.

8 THE COURT: The objection is overruled.

9 You may answer.

10 THE WITNESS: To be able to get card numbers to  
11 put on gift cards, they would need a skimmer on an ATM  
12 machine to recover those cards from unknowing victims and  
13 get the pin numbers.

14 BY MS. KRAFT:

15 Q So do you understand he's telling you that he's  
16 the one who is putting the skimmers on?

17 A Yes.

18 (Video played to the jury.)

19 MS. KRAFT: Those are all my questions for  
20 Detective Artus.

21 THE COURT: All right. Thank you.

22 Mr. Uller, you may cross-examine.

23 MR. ULLER: No, Your Honor.

24 THE COURT: All right. Thank you, Detective. You  
25 are excused.

1                    You may call your next witness.

2                    MS. KRAFT: The next witness is Sergeant Brandon  
3 Ansell -- not Sergeant Ansell.

4                    MS. MORENO-TAXMAN: We're calling Matthew  
5 Palmieri.

6                    MATTHEW PALMIERI, WITNESS, SWORN

7                    DIRECT EXAMINATION

8 BY MS. MORENO-TAXMAN:

9                    Q        Can you please state your first and last name  
10                  spell your last name for the record?

11                  A        Matthew Palmieri. Last name is P-A-L-M-I-E-R-I.

12                  Q        And how old are you, sir?

13                  A        I'm 35.

14                  Q        And other than for this trial, have you ever been  
15                  in Wisconsin?

16                  A        No, I have not.

17                  Q        And do you know the defendant, the person sitting  
18                  right there in the gray suit?

19                  A        I do not.

20                  Q        Okay. Where did you bank in 2018, between January  
21                  and May of 2018?

22                  A        Chase Bank.

23                  Q        Okay. And did you have a credit card or a debit  
24                  card for that?

25                  A        Debit card.

1 Q And did you have also a pin number for that debit  
2 card?

3 A Yes.

4 Q And had you used that card in Nashville,  
5 Tennessee?

6 A Yes.

7 Q And do you remember by any chance what your pin  
8 number was?

9 A I do.

10 Q And what was that?

11 A 7884.

12 Q Okay. And did you at some point learn that your  
13 card information had been stolen?

14 A Yes.

15 Q And how did you learn that?

16 A I had tried to use the card, and it wasn't  
17 accepting, so I called my bank, and then they told me.

18 Q Mr. Palmieri, there's a folder in front of you  
19 with your name; is that right?

20 A Yes.

21 Q And in there there's parts of your banking record;  
22 is that correct?

23 A Yes, that's correct.

24 Q And can you tell us in whose name this account is?

25 A Matthew Palmieri.

1 Q Okay. And was it a debit card?

2 A Yes, that's correct.

3 Q And what are the last four digits of your debit  
4 card?

5 A 1014.

6 Q Okay. And is that the debit card that you were  
7 talking about that wasn't working anymore for you?

8 A Yes, that's correct.

9 Q Okay. And can you please look at the fourth page  
10 of that exhibit?

11 MR. ULLER: What exhibit is this?

12 MS. MORENO-TAXMAN: I'm sorry. This is Exhibit  
13 22.

14 Your Honor, I would move into evidence Exhibit 22.

15 THE COURT: All right. With no objection, the  
16 Court will receive Exhibit 22.

17 BY MS. MORENO-TAXMAN:

18 Q Okay. It's going to be a little hard for you to  
19 see it, but you've got a hard copy in front of you.

20 Can you please highlight for us where the account  
21 number is? It says "Chase debit card."

22 We'll have the agent -- that's the account that  
23 you mentioned?

24 A Yes.

25 Q Okay. And that was the debit card that didn't

1 work anymore for you, right?

2 A Yes, that's correct.

3 Q Okay. And can you please look at the fourth page  
4 of that exhibit?

5 A Uh-huh.

6 Q And what is that?

7 A This is --

8 Q Is that your signature card?

9 A Yes, that's correct.

10 Q Okay. And is that your signature? You can see it  
11 better up there, maybe.

12 A I don't believe so. I don't know. My signature  
13 is a little sloppier, but, yes.

14 Q Could it be your signature?

15 A Could it be? Yeah, it could be.

16 Q Did you open up that account?

17 A Yes, I did open this account.

18 Q Okay. And when you opened this account, were you  
19 the sole owner of this account?

20 A Yes. Yeah.

21 Q Okay. Did you at any time give permission to this  
22 man sitting right here, Ionel Muresanu, to take anything  
23 from your account?

24 A No, I did not.

25 Q Did you ever give him permission to use your

1       number, the number on your card that will connect directly  
2       to your account?

3           A     No, I did not.

4           Q     Did you ever tell him or give him your pin number?

5           A     No.

6           Q     Now, I would like you to look at page numbers 5  
7       and 6, please. If you can go through those.

8                 Looking at those records, is it fair to say that  
9       you were in Nashville, Tennessee, between December 29<sup>th</sup>  
10      and February 5<sup>th</sup>?

11           A     Yes, that's correct.

12           Q     So February 5<sup>th</sup> of this year and December 29<sup>th</sup>  
13      of last year, right?

14           A     Yes.

15           Q     Okay. And at the time that you used that card  
16      without telling us where you lived, were you living in  
17      Nashville, Tennessee at that time?

18           A     Yes.

19           Q     Okay. And had you been traveling to other places?

20           A     Within that time frame?

21           Q     Yes.

22           A     No.

23           Q     Okay. Now, I want to show you -- can you please  
24      put up Exhibit 2A?

25                 Okay. I would like you to -- do any of those gift

1 cards look familiar to you?

2 A No, they don't.

3 Q Okay. And I would like you to look at the  
4 penultimate page, before the last page of this exhibit,  
5 which is a copy Exhibit 1C.

6 Do you see a card down in the left-hand corner  
7 that has the end number 6370?

8 A Yes, I do.

9 Q Okay. Do you recognize that card?

10 A No, I do not.

11 Q Now, I'll show you the actual card -- that actual  
12 card. What kind of card is it?

13 A This is a vanilla gift card.

14 Q Okay. Does it have your account number on it?

15 A Let's see.

16 Q Does your account end in 6370?

17 A Yes, I believe so.

18 Q You can go back and look at your account. You had  
19 testified earlier that it ended in 1014?

20 A Yes, that's correct.

21 Q Do you see that number anywhere on that card?

22 A No, I don't.

23 Q Okay. And so did you give this defendant  
24 permission to put on this vanilla card, on the magnetic  
25 strip, the account number that would allow him to get into

1 your account?

2 A No, I did not.

3 Q And did you give him permission to put or use the  
4 little yellow sticker on there with a pin number?

5 A No, I did not.

6 Q Now, are you a real person, sir?

7 A Yes.

8 Q Okay. Sometimes we have to ask questions that  
9 seem a little strange.

10 A That's fine.

11 Q And as we sit here today, you're saying you never  
12 consented to this defendant taking your identity and using  
13 it to get money -- trying to get money out of your account?

14 A No.

15 MS. MORENO-TAXMAN: I have no further questions.

16 THE COURT: All right. Thank you.

17 Mr. Uller, do you have any cross?

18 CROSS-EXAMINATION

19 BY MR. ULLER:

20 Q Mr. Palmieri, you don't know whether this  
21 individual ever used your card, do you?

22 A I don't know what that question -- can you be more  
23 specific?

24 Q You don't know whether the gentleman sitting next  
25 to me ever used your card, do you?

1           A     Well, I was told by my bank that I wasn't able to  
2       use my card, so, I don't, no.

3 Q Thank you.

4 Your card wasn't used without your permission  
5 May 16<sup>th</sup> of 2018, was it?

6           A       My card was not used without permission, no. I  
7       don't -- I don't know what the question is.

8 Q Do you know whether your card was used without  
9 your permission May 16<sup>th</sup>, 2018?

10 A I do not, no.

11 MR. FULLER: Okay. Nothing further, Judge.

## REDIRECT EXAMINATION

13 BY MS. MORENO-TAXMAN:

14 Q So, Mr. Palmieri, if the defendant possessed your  
15 card, the identifying information on your card on May 15<sup>th</sup>  
16 or 16<sup>th</sup> of this year, would he have had your permission to  
17 possess it and have the information that identifies you?

18 A No, he would not have.

19 MS. MORENO-TAXMAN: Thank you, Your Honor. No  
20 further questions.

21 THE COURT: All right. Thank you, Mr. Palmieri.  
22 You're excused.

23|| You may call your next witness.

24 MS. MORENO-TAXMAN: Erika Borg.

1 ERIKA BORG, WITNESS, SWORN

2 DIRECT EXAMINATION

3 BY MS. MORENO-TAXMAN:

4 Q Ms. Borg, please state your first and last name  
5 and spell your last name -- well, first and last name since  
6 it's a little unusual spelling of your name.

7 A Erika Borg, E-R-I-K-A and B-O-R-G.

8 Q And do you have a middle initial?

9 A L.

10 Q Okay. And do you see an exhibit in front of you  
11 in that folder that is marked as Exhibit 23?

12 A Yes.

13 Q And are those some of the pages from your bank  
14 account?

15 A Yes.

16 MS. MORENO-TAXMAN: Your Honor, at this time, I  
17 would move into evidence Exhibit 23.

18 THE COURT: All right. The Court will receive  
19 Exhibit 23.

20 MS. MORENO-TAXMAN: I ask for it to be published.

21 THE COURT: You may.

22 BY MS. MORENO-TAXMAN:

23 Q Okay. So, Ms. Borg, in your bank account, can you  
24 tell us what the last four digits were -- this was an ATM  
25 debit card account?

1 A Yes.

2 Q And what were the last four digits of your  
3 account?

4 A 1829.

5 Q Okay. And can you please look at the fourth page  
6 of this exhibit?

7 A Yes.

8 Q Okay. What is that?

9 A That's my signature on the personal signature  
10 card.

11 Q Okay. And so that's how you opened up this  
12 account?

13 A Yes. Yes.

14 Q And you were the sole signator to that account?

15 A Yes.

16 Q Ms. Borg, do you know this man over here, the  
17 defendant?

18 A No, I do not.

19 Q Okay. Did you ever authorize him to get into your  
20 account?

21 A No.

22 Q He's not one of the people you listed as your  
23 authorized signatures?

24 A No.

25 Q Have you ever met him before?

1           A     No, I have never seen him.

2           Q     Have you ever been in Wisconsin before?

3           A     This is my first time.

4           Q     Okay. In what area do you live in right now?

5           A     Nashville, Tennessee.

6           Q     Okay. And if we look at those bank records in  
7 front of you, it looks like you travel quite a bit; is that  
8 right?

9           A     I do. I travel for work.

10          Q     And so looking at those bank records, on the  
11 seventh page, the eighth and ninth page --

12          A     Okay.

13          Q     Is it fair to say that you were in Nashville,  
14 Tennessee, between January 18<sup>th</sup> and February 2<sup>nd</sup>?

15          A     Yes. January 18<sup>th</sup> through February 2<sup>nd</sup>, yes,  
16 I most definitely was.

17          Q     Okay. And you remember those times?

18          A     I do because I had just quit my job and started a  
19 new job.

20          Q     Okay. And do you use ATM machines?

21          A     I do.

22          Q     Okay. And when you use an ATM machine, what do  
23 you do?

24          A     Well, I mean, the only reason to use an ATM  
25 machine is to get cash, so I put in my pin and get cash.

1 Q Did you do that when you were in Tennessee?  
2 A Yes, I did.  
3 Q Okay. I would like you to now look at Exhibit 1C.  
4 A Is it up there?  
5 Q Yes, it's up there. That's 1C. Okay?  
6 If we could please go to the fifth page.  
7 Okay. Do you see at the bottom left, that card  
8 that has the number that ends in 4424?  
9 A Yes.  
10 Q Have you ever had that card before?  
11 A No, I have not.  
12 Q Okay. And can you tell us what the pin number was  
13 of your card, your debit card?  
14 A My debit card was 1130.  
15 Q Okay. And do you see that number up there, 1130?  
16 A I do.  
17 Q Okay. Did you give the defendant your pin number?  
18 A I did not.  
19 Q Okay. You didn't put that sticker on there?  
20 A No, I did not.  
21 Q You've never seen this before?  
22 A I've never seen that before, no.  
23 Q I have to ask this question: Are you a real  
24 person?  
25 A I believe I'm pretty real.

1 Q Okay. So here, you can look at the card itself.

2 A Okay.

3 Q So if your information, your account number and  
4 identifying information is on that magnetic strip, is that  
5 with your permission?

6 A No.

7 Q And you've said that's your pin number, and that's  
8 also without your permission?

9 A Yeah, that's without my permission.

10 MS. MORENO-TAXMAN: I have no further questions.

11 THE COURT: All right. Thank you.

12 Mr. Uller, any questions?

13 MR. ULLER: No, Judge.

14 THE COURT: All right. Thank you. You may step  
15 down.

16 THE WITNESS: Thank you.

17 THE COURT: You may call your next witness.

18 MS. MORENO-TAXMAN: I will call Shawna Edwards.

19 SHAWNA EDWARDS, WITNESS, SWORN

20 DIRECT EXAMINATION

21 BY MS. MORENO-TAXMAN:

22 Q Ms. Edwards, can you please state and spell your  
23 first and last name?

24 A Yes. Shawna Edwards. First name S-H-A-W-N-A,  
25 last name E-D-W-A-R-D-S.

1 Q And do you have a middle initial?

2 A Yes.

3 Q Okay. Ms. Edwards, do you see in front of you a  
4 folder with your name on it?

5 A Yes.

6 Q Could you please look at what's been marked as  
7 Exhibit 24 and tell me if you recognize it?

8 A Yes.

9 Q What is it?

10 A My account.

11 MS. MORENO-TAXMAN: Your Honor, I would move into  
12 evidence Exhibit 24.

13 THE COURT: All right. The Court will receive  
14 Exhibit 24.

15 BY MS. MORENO-TAXMAN:

16 Q So, Ms. Edwards, did you have a debit card for  
17 this account?

18 A Yes, I did.

19 Q And what was the account number, the last four  
20 digits?

21 A 8856.

22 Q Okay. And do you know this man right here, the  
23 defendant, Mr. Muresanu?

24 A No, I do not.

25 Q Have you ever seen him before?

1           A     No.

2           Q     Did you ever give him permission to take  
3 information from your account and put it on a different card  
4 so that he could access it and take money from your account?

5           A     No.

6           Q     Okay. I want to ask you about -- have you used an  
7 ATM before?

8           A     Yes.

9           Q     And have you used them in Kentucky? Louisville,  
10 Kentucky?

11          A     Yes.

12          Q     And as well as in Indiana; is that correct?

13          A     Yes.

14          Q     Okay. And I would like you to look at -- on that  
15 exhibit, the fourth page, please. Do you see that signature  
16 card?

17          A     Yes.

18          Q     Okay. Whose signature is that?

19          A     That is mine.

20          Q     And you're the one who opened up this account?

21          A     Yes.

22          Q     And you're the only person on this account?

23          A     Yes.

24          Q     And did you ever put in or go to your bank and  
25 say, "Excuse me. I would like Mr. Muresanu to have access

1 to my account"?

2 A No.

3 Q And did you bring with you today your actual card  
4 to that account?

5 A I did, yes.

6 Q I'm going to have you look at what's been marked  
7 as Exhibit 1F1 and 1F. Can you tell us, is one the actual  
8 card and another a copy of the card?

9 A Yes.

10 Q Okay. And what are the four numbers on that card,  
11 the last four numbers?

12 A 8856.

13 Q Okay. So that's your actual card?

14 A Yes.

15 Q Okay. And what is your pin number, if you  
16 remember?

17 A 7149.

18 Q Okay.

19 A Wait.

20 MR. ULLER: Ms. Moreno-Taxman, do you have a copy  
21 of that exhibit for the Defense?

22 MS. MORENO-TAXMAN: This is the one we showed you.

23 MR. ULLER: Do you have a copy of it?

24 THE WITNESS: Do you need this?

25 MS. MORENO-TAXMAN: Yeah, I'll take the copy.

1                   Your Honor, I move into evidence Exhibit 1F and  
2 Exhibit 1F1.

3                   THE COURT: All right. The Court will receive  
4 Exhibits 1F and 1F1.

5                   BY MS. MORENO-TAXMAN:

6                   Q        Okay. Now, looking at the bank records, is it  
7 fair to say that you were in Louisville, Kentucky during the  
8 January of this year?

9                   A        Yes.

10                  Q        Okay. And when you brought this card with you  
11 today, is this a card that you still can use?

12                  A        No.

13                  Q        Why is that?

14                  A        I canceled that card.

15                  Q        Because what?

16                  A        I've canceled the card.

17                  Q        Okay. And why did you cancel that card?

18                  A        I canceled the card due to the information that  
19 was brought to my attention, that an unauthorized person had  
20 access to the card.

21                  Q        Okay. And, Ms. Edwards, are you a real person?

22                  A        Yes.

23                  Q        And have you ever been in Wisconsin other than for  
24 this case?

25                  A        No.

1 MS. MORENO-TAXMAN: I have no further questions.

2 THE COURT: Thank you.

3 Mr. Uller?

4 MR. ULLER: No questions, Your Honor.

5 THE COURT: All right. Thank you.

6 Ms. Edwards, you may step down. You are excused.

7 Members of the jury, we've reached that point for  
8 our afternoon recess this afternoon. Again, I want to leave  
9 you with the admonition that I've given you throughout the  
10 day, and that is please do not discuss this case or anyone  
11 who has anything to do with it during the recess.

12 Once again, I want each of you to continue to keep  
13 the open mind that you've pledged to keep until you've had  
14 the benefit of the balance of the evidence and testimony to  
15 be offered together with the Court's instructions on the law  
16 and the closing arguments of counsel.

17 We'll stand in recess for 15 minutes.

18 (Break.)

19 (Jury present.)

20 THE COURT: Ms. Moreno-Taxman, you may call your  
21 next witness.

22 MS. KRAFT: The next witness is Sergeant Brandon  
23 Ansell, and he's in the courtroom.

1 BRANDON ANSELL, WITNESS, SWORN

2 DIRECT EXAMINATION

3 BY MS. KRAFT:

4 Q Good afternoon, Sergeant. Can you tell the ladies  
5 and gentlemen of the jury how you're employed?

6 A Yes. I am currently employed with the City of  
7 Oshkosh Police Department.

8 Q And how long have you worked for the City of  
9 Oshkosh Police Department?

10 A Approximately 17 years.

11 Q And how long have you been a sergeant?

12 A Maybe 10.

13 Q And what are your general duties as a police  
14 sergeant for the Oshkosh Police Department?

15 A Generally, I'm first-line supervisor for the  
16 criminal investigation division of the Oshkosh Police  
17 Department, supervisor for detectives, school resource  
18 officers.

19 Q And do you supervise Detective Hinke and Detective  
20 Artus who have testified for us here this afternoon?

21 A Yes, I do.

22 Q Can you tell us whether you were involved with  
23 them in an investigation that occurred on May 16<sup>th</sup> of 2018  
24 in Oshkosh, Wisconsin?

25 A Yes, I was.

1 Q And Oshkosh, of course, is in the Eastern District  
2 of Wisconsin?

3 A Yes, it is.

4 Q How is it you became involved in that  
5 investigation?

6 A I was notified by those two detectives and several  
7 others that they were surveilling Motel 6 in the City of  
8 Oshkosh specifically looking for a group of people involving  
9 a white minivan with Tennessee license plates.

10 Q Okay. And did you personally go to that location  
11 with some of the other detectives in your department?

12 A I did. I was actually sitting with Detective  
13 Artus in his vehicle.

14 Q Okay. And you were -- at that time, were you in  
15 uniform or plain clothes?

16 A Plain clothes.

17 Q So were you sitting at the Motel 6 with  
18 Detective Artus?

19 A I was sitting across the street, which would be  
20 east across from Motel 6 in the parking lot of the Perkins  
21 restaurant.

22 Q Okay. And at some point, you saw some activity  
23 involving that white minivan; is that correct?

24 A Yes, we did.

25 Q And what did you see?

1           A     We saw three individuals get in the white minivan  
2         and proceed to leave the parking lot of Motel 6 going  
3         northbound on Washburn and eastbound on 9th Avenue.

4           Q     And did you and Detective Artus do something to  
5         respond to that?

6           A     We followed the vehicle to see where the occupants  
7         were going.

8           Q     And were you able to see where the occupants were  
9         going?

10          A     We did. They went to a Kwik Trip gas station in  
11         the City of Oshkosh on 9th Avenue near Koeller, which isn't  
12         very far; maybe half a mile or even less from the location  
13         where we were.

14          Q     Okay. What did you do when you followed them --  
15         when you got to that location that you had followed them to?

16          A     Initially, when we saw them pull into the Kwik  
17         Trip gas station, we drove by not to alert them that  
18         somebody was following. We quickly turned around back and  
19         parked across the street from the Kwik Trip gas station,  
20         which would be on the north side of 9th Avenue in the CVS  
21         Pharmacy lot.

22          Q     And, approximately, what time of day was this?

23          A     I would say evening.

24          Q     You don't remember specifically?

25          A     Maybe around 8:00.

1           Q     Okay. How long did you remain at that stationary  
2 location across from the Kwik Trip?

3           A     I would be estimating that we were there maybe  
4 half hour to maybe 45 minutes. Something like that.

5           Q     What, if anything, happened that made you leave  
6 that location?

7           A     Detective Hinke was also assisting. She had -- in  
8 the meantime, while we were sitting in the CVS lot, she had  
9 entered the Kwik Trip gas station and saw individuals inside  
10 that she suspected were committing criminal acts and  
11 explained to us that she felt she had enough information to  
12 make a stop on these people; at least identify them and find  
13 out what, in fact, they were doing.

14          Q     Okay. Well, what did you do when you got that  
15 information?

16          A     Detective Artus was driving. He decided to pull  
17 over into the Kwik Trip gas station. So we essentially  
18 crossed 9th Avenue into the parking lot of the Kwik Trip.

19          Q     Okay. What happened then?

20          A     Shortly after we were notified by Detective Hinke  
21 that they were going to be coming out of the gas station,  
22 Detective Artus and I got out of our vehicle and went to  
23 make contact with the three male subjects that were in the  
24 gas station that Detective Hinke had notified us of.

25          Q     Did you do that?

1           A     Yes, we did.

2           Q     What was your role in the contact with those three  
3 individuals?

4           A     Well, almost immediately, upon making contact --  
5 we didn't even really make contact. Detective Hinke  
6 identified herself as a police officer and said, "Hey, I  
7 want to talk to you."

8                 Some of the subjects looked back towards  
9 Detective Artus and I. I was wearing a badge at the time in  
10 plain clothes, but the badge was hanging approximately right  
11 here where you could see it (indicating).

12              MS. KRAFT: The record should reflect that the  
13 witness has basically pointed to his tie, mid-chest.

14              THE WITNESS: And I saw one of the individuals  
15 look at me, their eyes got big, and immediately all three  
16 subjects took off running in different directions.

17              BY MS. KRAFT:

18            Q     What did you do?

19            A     I chased the first person that took off running.  
20 The agents kind of, like, one, two, three, they all took off  
21 running. The first one that took off I chased after.

22            Q     Okay. And were there two juveniles and another  
23 person who was not a juvenile?

24            A     Yes.

25            Q     And which individual -- were you able to apprehend

1 one of them?

2 A One of the juveniles, yes.

3 Q And can you just tell us the first name of the  
4 individual that you apprehended initially?

5 A I believe, if I pronounce it correctly, it was  
6 Florin, or something similar to that.

7 Q Okay. And what did you do with Florin or to  
8 Florin at the time you apprehended him?

9 A I held him in custody. Eventually, I believe  
10 myself, maybe Detective Artus, ended up placing handcuffs on  
11 him. I asked Detective Artus to stay with him because I was  
12 concerned. Detective Hinke was in a foot pursuit with  
13 another subject that ran behind the store in the dark, and I  
14 wanted to make sure there was somebody to assist her as  
15 well.

16 Q Did you then go to assist her?

17 A I did.

18 Q What did you see? What did you encounter when you  
19 got to the location that she was?

20 A Detective Hinke was behind the Kwik Trip gas  
21 station near a fenced-in area. She had one subject that was  
22 on the ground, and there was a citizen that was there  
23 assisting her as well.

24 Q Okay. And was that individual then taken into  
25 custody?

1           A     Yes, they were.

2           Q     Do you see him in court today?

3           A     I do see him in court today.

4           Q     Where is he sitting and what is he wearing?

5           A     He's behind you in a gray suit with a gray vest  
6 and white dress shirt, no tie.

7                 MS. KRAFT: Your Honor, I would ask the record to  
8 reflect the identification of the defendant by  
9 Sergeant Ansell.

10              THE COURT: The record will so reflect.

11              MS. KRAFT: Thank you.

12             BY MS. KRAFT:

13              Q     Now, was the third individual who was with the  
14 defendant and the juvenile Florin that you had initially  
15 apprehended also apprehended?

16              A     Yes, he was.

17              Q     Do you recall the first name of that individual?

18              A     I do not. I never dealt with that person after  
19 they were taken into custody, and I don't know their name  
20 off the top of my head.

21              Q     Okay. Did you do anything further at that scene  
22 that night after the three individuals were apprehended?

23              A     Yes, I did. I had been told by Detective Hinke  
24 that she felt the three individuals had been in the male's  
25 bathroom at the gas station. I went inside the gas station

1 to see if there was any evidence or anything left behind  
2 that would lead me to believe it would be part of the  
3 investigation that we were doing.

4 Q Did you locate anything in the bathroom?

5 A Yes, I did.

6 Q What did you locate?

7 A I located some -- I guess you call them -- they  
8 looked like gift cards or credit cards. They were on the --  
9 do you want me to explain everything right away?

10 Q I want you to tell me what you saw. You saw gift  
11 cards or --

12 A Out on the vanity area where there were some  
13 sinks, there was a plastic, like, grocery sac, white in  
14 color. I think they had some red lettering. There was what  
15 I would call, like, a headlamp that you would wear on your  
16 head with a strap that was, I believe, black and red in  
17 color, and there were, if I remember correctly, five gift  
18 cards or some sort of debit cards laying next to or inside  
19 those bags, and then there was one individual gift card or  
20 financial type card in the garbage of that gas station.

21 Q Okay. In front of you is a folder that has some  
22 exhibits in it. Can you open it up, please?

23 Okay. Do you see some photographs that are marked  
24 Exhibits Nos. 9A through 9C?

25 A Yeah.

1           Q     Do you recognize what's depicted in those  
2 photographs?

3           A     I do. These are the items that I was talking  
4 about that I photographed and found in the --

5           Q     Those are photographs that were taken in the  
6 bathroom of the items that you just described?

7           A     They are.

8           MS. KRAFT: Your Honor, I would move into evidence  
9 Exhibit Nos. 9 through 9C.

10          THE COURT: All right. The Court will receive  
11 Exhibits 9A through 9C.

12          MS. KRAFT: May I publish them?

13          THE COURT: You may.

14          MS. KRAFT: Could we see 9A, Agent Hoalcraft,  
15 please?

16 BY MS. KRAFT:

17          Q     Okay. What is it that's depicted in this  
18 photograph, Sergeant?

19          A     Again, this is the bathroom at the Kwik Trip gas  
20 station on 9th Avenue near Koeller Street in the City of  
21 Oshkosh. There's the grocery sac that I'm talking about,  
22 the red lettering that you can start to see. On the end  
23 there, it looks like some sort of financial cards coming  
24 over to the end of that, and then the light that I was  
25 discussing that could be placed, like, on somebody's head.

1           Q     And is that the way those items looked when you  
2 initially entered the bathroom that day?

3           A     Yes. They were located right there.

4           Q     Okay. Could we see 9B, Agent Hoalcraft?

5                   And now one of the cards appears to be coming out  
6 of the bag. Is that the way it looked at the time you got  
7 there?

8           A     Yeah. I think it's just basically a different  
9 angle.

10          Q     Of the same photograph?

11          A     Yes.

12          Q     Now can we see 9C, please?

13                   What does that depict?

14          A     This is basically what I had done is pulled the  
15 cards out so I could photograph to show exactly what was  
16 inside the grocery bag.

17          Q     Okay. And then could you look -- do you have an  
18 exhibit in front of you that's labeled, I believe, 4C?

19          A     Yes.

20          Q     What does that depict?

21          A     That shows a garbage can, white garbage can with a  
22 clear plastic bag in it.

23          Q     And is that the way that plastic bag in that  
24 garbage can looked when you went into that bathroom that  
25 night?

1           A     Yes, it is.

2           MS. KRAFT: Your Honor, I would move into evidence  
3 Exhibit No. 4C. Ask to publish, please.

4           THE COURT: The Court will receive Exhibit 4C, and  
5 you may publish.

6           MS. KRAFT: Thank you.

7 BY MS. KRAFT:

8           Q     And, again, what does it depict, Sergeant Ansell?

9           A     This one you can see the photo in front of me is a  
10 little darker, but down inside, if you look right here, you  
11 can see the edge of a financial transaction card.

12          Q     Okay. Did you recover those items that were in  
13 the bathroom that night?

14          A     I did, yes.

15          Q     And would you look at Exhibit No. 4A, which is a  
16 physical exhibit that's on the witness stand in front of  
17 you, and tell me whether or not you recognize that exhibit?

18          A     I do.

19          Q     What do you recognize it to be?

20          A     I recognize this to be an evidence envelope from  
21 the Oshkosh Police Department. It indicates what's inside,  
22 which would be six what I have listed as financial cards  
23 that has my name and the date of 5-17-2018.

24          Q     And is 5-17 the day that you inventoried them?

25          A     That would be the day that I entered them in this

1 envelope and had them placed into evidence, yes.

2 MS. KRAFT: All right. I would move into evidence  
3 Exhibit No. 4A, Your Honor.

4 THE COURT: All right. The Court will receive  
5 Exhibit 4A.

6 BY MS. KRAFT:

7 Q Now, those are all six of the cards, is that  
8 correct, the five that were on the sink and then the one  
9 that was in the garbage? Are there six in there?

10 A It appears that there are six in here, yes. You  
11 probably want to take them out, but --

12 Q You can open it up.

13 All right. And now in the folder in front of you  
14 is Exhibit No. 4B. It's a photograph of some cards. Are  
15 those the same cards that are in Exhibit No. 4A that you  
16 recovered?

17 You can open it up and look.

18 A I'm looking off the documentation I wrote down  
19 here, and it does appear that these are, yes, indeed, the  
20 same cards.

21 Q Okay. Now, I want to ask you whether or not --  
22 and you can look at the photograph if you're certain they're  
23 the same cards.

24 Is there, in that group of cards, a card that ends  
25 with the numbers 3132?

1           A     Yes.

2                 MS. KRAFT: Your Honor, I can't remember, did I  
3 move in Exhibit 4B? If not, I would move it in and ask to  
4 publish.

5                 THE COURT: All right. The Court will receive  
6 Exhibit 4B, and you may publish.

7                 MS. KRAFT: Thank you, Your Honor.

8 BY MS. KRAFT:

9                 Q     All right. Now, do you see a card, in that group  
10 of photographs of those cards, that ends with the number  
11 3132?

12                A     Yes. Right up here in the upper right-hand  
13 corner.

14                Q     Can you blow that one up, Agent Hoalcraft?

15                Okay. And I'm going to ask you, Sergeant Ansell,  
16 if you will, just take a pen, and on the paper Exhibit 4B,  
17 if you will just circle that card for me, please?

18                A     (Witness complies.)

19                Q     Okay. And upon the recovery of those items of  
20 evidence, was that pretty much the extent of your  
21 involvement in this investigation?

22                A     Yes.

23                MS. KRAFT: All right. I don't have any further  
24 questions for Sergeant Ansell at this time.

25                THE COURT: All right. Thank you.

1                   Mr. Uller, any cross-examination?

2                   MR. ULLER: No, Your Honor.

3                   THE COURT: Very well. Thank you, Sergeant.

4                   You're excused. You may step down, and you can return the  
5 exhibits to Ms. Kraft.

6                   You may call your next witness.

7                   MS. KRAFT: Thank you, Your Honor. The next  
8 witness is Brandi Woodard.

9                   BRANDI WOODARD, WITNESS, SWORN

10                  DIRECT EXAMINATION

11                  BY MS. KRAFT:

12                  Q      Good afternoon. Can you tell us, please,  
13 Ms. Woodard, how it is that you're employed?

14                  A      I am a senior risk investigator for First Horizon  
15 National Corporation and its subsidiaries, which include,  
16 like, First Tennessee Bank headquartered in Memphis,  
17 Tennessee; recently acquired Capital Bank, which is now  
18 headquartered in Memphis, Tennessee; FTM Financial that's  
19 headquartered in New York.

20                  Q      And where are you located?

21                  A      I am located in Nashville, Tennessee.

22                  Q      Okay. And can you tell us what your general  
23 duties are as a senior risk investigator for First Horizon  
24 National Corporation and its subsidiaries?

25                  A      Yes. Essentially, I investigate all activity that

1 encompasses bank fraud for First Horizon National  
2 Corporation and its subsidiaries.

3 Q And does that include the investigation of both  
4 internal fraud and external fraud?

5 A Yes, that's correct.

6 Q How long have you had that position?

7 A Since May of 2007.

8 Q And can you tell me whether or not you have any  
9 specific training to become the senior risk investigator for  
10 First National Corporation?

11 A Absolutely. I do a lot of training through the  
12 Association of Certified Fraud Examiners, which would  
13 include various types, you know, financial exploitation,  
14 skimming activity, credit card activity, debit card  
15 activity, loan fraud. I attend conferences on various forms  
16 of bank fraud. We're required to do and maintain training  
17 for our compliance within our company.

18 Q Okay. And so with that training and your  
19 experience, can you tell me whether or not you have a  
20 familiarity with an activity that involves ATM skimming?

21 A Yes.

22 Q What, can you tell us, are we talking about when  
23 we talk about ATM skimming?

24 A ATM skimming essentially is where they take a  
25 device that has a -- it essentially harvests data, card data

1       that's utilized at an ATM. So any card that's swiped during  
2       that time that a skimmer is on there, it harvests the data,  
3       and essentially what goes on that is what we refer to as a  
4       pinhole camera unit which maintains when someone is entering  
5       their pin simultaneously as the card data that's being  
6       harvested on the skimmer. So the video obtains the pin  
7       number while the skimmer retains the card.

8           Q     So are you telling us that people who are involved  
9       in this activity actually put devices on ATM machines to do  
10      those things, to harvest the data and capture the pin  
11      number?

12          A     Yes, that's correct.

13          Q     All right. Now, did there come a time in January  
14      of this year that you discovered that multiple skimming  
15      devices and pinhole cameras had been placed on ATMs  
16      associated with First Tennessee financial institutions?

17          A     Yes, that's correct.

18          Q     And how did you become aware of that?

19          A     There was an instance at the Parkway Commons  
20      location, which is 3038 Columbia Avenue. It's located in  
21      Franklin, Tennessee. And a part of the training that we do  
22      with the personnel is to check out the ATMs every morning  
23      before opening and closing, and an employee identified that  
24      the machine -- there was something off. He couldn't  
25      necessarily tell.

1           I was contacted. I went on scene, examined the  
2 ATM, confirmed the skimmer, subsequently removed it as well  
3 as the pinhole camera unit.

4           Q     Okay. In front of you is a folder that has a  
5 number of exhibits in it. Can you open that up and look at  
6 them, please?

7           A     Yes.

8           Q     Okay. The first exhibit that you should have in  
9 front of you should be marked "20I." Do you recognize what  
10 that is?

11          A     Yes.

12          Q     What is that, please?

13          A     This was what I created from the skimming insert  
14 skimming device and the pinhole camera unit that was placed  
15 on that ATM that I just described in Franklin, Tennessee.

16           MS. KRAFT: Okay. Your Honor, I would move into  
17 evidence Exhibit No. 20I. I would ask to publish it,  
18 please.

19           MR. ULLER: Judge, I'm going to object on  
20 relevance.

21           THE COURT: The objection is overruled.

22           The Court will receive Exhibit 20I, and you may  
23 publish it.

24           BY MS. KRAFT:

25          Q     Now, Ms. Woodard, are you the person who created

1           this exhibit?

2           A       Yes, I am.

3           Q       Okay. And what is depicted on this? Let's start  
4           at the top. What are the things that we are looking at on  
5           the two top pictures of this exhibit?

6           A       So you'll see where I have labeled the "false  
7           fossa" of the ATM; that is, like, the screen of the ATM.  
8           The one where you see it's pointed -- the arrow is pointing  
9           down where it's "Debold," that's actually the pinhole camera  
10           unit that was placed to capture the pin numbers entered by  
11           individuals utilizing that ATM.

12           Q       Okay. And you removed that from that particular  
13           ATM?

14           A       Yes, that's correct.

15           Q       And can we see what's at the bottom portion of the  
16           exhibit, please?

17                   What is this?

18           A       So that is the actual pinhole camera unit that I  
19           was referring to, the battery that powers it, the memory  
20           card that retains the video where individuals enter their  
21           pin numbers, the actual pinhole camera, and then another  
22           battery and the controller board which helps to power and  
23           retain data on the machine.

24           Q       Okay. On the same day -- let me ask you this  
25           question. Look at Exhibit No. 20J and tell us if you

1 recognize that?

2 A I do, yes.

3 Q And what is that?

4 A That is the deep insert skimming device that was  
5 placed on the ATM in Franklin, Tennessee.

6 Q Okay. That was recovered by you on the same day?

7 A Yes, that's correct.

8 Q And you also created this exhibit by taking  
9 photographs of the items that you recovered?

10 A Yes, that's correct.

11 MS. KRAFT: All right. Your Honor, I move into  
12 evidence Exhibit No. 20J and ask to publish.

13 MR. ULLER: Same objection, Your Honor.

14 THE COURT: The Court will receive Exhibit 20J,  
15 and you may publish.

16 MS. KRAFT: Can you enlarge that, Agent Hoalcraft?

17 BY MS. KRAFT:

18 Q Let's start at the top. Can you tell us, as we're  
19 looking at these pictures, what is depicted here?

20 A Yeah, absolutely. So the device that you see to  
21 the right is the actual card reader that was retrieved out  
22 of the ATM. The skimming device was inserted so deeply that  
23 we had to take out the card reader in order to get the  
24 skimming device out of the card reader itself. So it almost  
25 looks like a really wide -- do you see the two parts that go

1 up and the part that goes down here? And you can see it as  
2 well to the left.

3 Q There should be a pointer in front of you. No?

4 A Okay. Yep. So this is what I'm talking about,  
5 what I'm referring to, the actual device itself. You see  
6 the USB here, and that's it as well there (indicating).

7 Q And can we see the bottom photographs,  
8 Agent Hoalcraft?

9 And what are these showing, Ms. Woodard?

10 A So the two left photographs are the actual deep  
11 insert skimmer that was removed from the card reader. And  
12 then this is a picture depicting the actual -- as it was  
13 being retrieved out of the card reader itself. You can see  
14 the antenna, the controller board which is utilized to  
15 capture data. When I say "data," I'm referring to card  
16 information.

17 Q Are you referring to the information that's on the  
18 magnetic strip or stripe on the back of the card?

19 A Yes, that's correct.

20 Q All right. So this device was actually placed  
21 deep into the same slot that a customer would place their  
22 card if they wanted to take money out of the ATM machine.  
23 Is that what you're telling us?

24 A Yes, that's correct.

25 Q And not necessarily visible or findable by the

1 customer themselves?

2 A Right. Absolutely.

3 Q Okay. Now, you located that ATM skimmer on the  
4 deep insert skimmer and the pinhole camera on the ATM at  
5 3038 Columbia Avenue in Franklin; is that correct?

6 A Yes, that's correct.

7 Q Did you do anything to attempt to determine who  
8 had placed these there?

9 A Yes. So I went through surveillance video imaging  
10 of that actual ATM to identify the time and date in which it  
11 was placed, and that's subsequently what I did. I reviewed  
12 the surveillance video and determined when it was placed.

13 Q Okay. So just to backup. You discovered the  
14 skimmer and pinhole camera at this particular ATM on what  
15 day?

16 A January 25<sup>th</sup>.

17 Q Were you able to determine the date that this  
18 skimmer had been placed on that ATM machine?

19 A Yes. A review of the surveillance video imaging  
20 determined that it was placed on January 24<sup>th</sup>.

21 Q All right. And would you look at Exhibits Nos.  
22 20G and 20H, please, and tell me if you recognize those?

23 A I do.

24 Q And what do you recognize them to be?

25 A They are still photographs that I retrieved from

1       the actual surveillance video imaging of the individual that  
2       placed the deep insert skimmer and pinhole camera unit at  
3       that ATM location.

4                  MS. KRAFT: Your Honor, I would move into evidence  
5       Exhibit Nos. 20G and 20H and ask to publish.

6                  MR. ULLER: Same objection, Your Honor.

7                  THE COURT: The objection is overruled. The Court  
8       will receive both Exhibits 20G and 20H.

9                  You may publish.

10                 MS. KRAFT: Thank you, Your Honor.

11                 BY MS. KRAFT:

12                 Q       Agent Hoalcraft, can we have 20G, please? And can  
13       you just enlarge the photograph on the left upper corner as  
14       we're looking at the screen?

15                 Have you ever seen that person before?

16                 A       That person is in this courtroom today.

17                 Q       Before you located his -- or clipped his  
18       photograph out of the surveillance video, had you ever seen  
19       him before?

20                 A       Yes.

21                 Q       Where had you seen him?

22                 A       In surveillance video imaging on a previous ATM  
23       deep insert skimmer and pinhole camera unit that was placed  
24       on a First Tennessee Bank ATM.

25                 Q       Okay. So this is the second time that you had

1       seen this photograph.

2                  Do you see him in court today?

3       A      I do.

4       Q      Where is he sitting and what is he wearing,  
5       please?

6       A      He is wearing a gray suit behind Agent Hoalcraft.

7                  MS. KRAFT: Could the record reflect the  
8       identification of the defendant by Ms. Woodard?

9                  THE COURT: The record will so reflect.

10          BY MS. KRAFT:

11       Q      And, Ms. Woodard, let's look at the next  
12       photograph.

13                  Were you able to tell from the surveillance camera  
14       not only the date but the time of day that the skimmer was  
15       placed on the ATM machine at Franklin, Columbia Avenue in  
16       Franklin?

17       A      Yes. It was placed on January 24<sup>th</sup> at  
18       approximately 8:42 p.m. Central Standard Time.

19       Q      After the bank had actually closed?

20       A      Yes, that's correct.

21       Q      Then let's look at the other two remaining  
22       photographs on this exhibit number. That's the same  
23       individual.

24                  And then what is in the lower right-hand corner?

25       A      That is the individual and the vehicle that was

1 utilized at the time that the deep insert skimmer and  
2 pinhole camera unit were placed on the ATM.

3 Q Now could we see Exhibit 20H, Agent Hoalcraft?

4 And can you tell us what this individual is doing  
5 at the point that this photograph was captured?

6 A Placing the pinhole camera unit that we previously  
7 showed.

8 Q Now, did there come a time in January -- actually,  
9 probably the same date -- that you discovered that there was  
10 a pinhole camera and skimmer that had been placed on a  
11 different First Tennessee ATM machine?

12 A Yes.

13 Q And how did you become alerted to that occurrence?

14 A There was a First Tennessee Bank customer that was  
15 utilizing the ATM located at what we call our Mount Juliet  
16 Providence location, and that is located in Mount Juliet,  
17 Tennessee, at 401 South Mount Juliet Road, and called and  
18 advised that she was experiencing difficulty with the card  
19 reader on that ATM and wanted to report it to First  
20 Tennessee. As a result, I was contacted and notified and  
21 went on scene there in Mount Juliet.

22 Q All right. And would you look at Exhibit Nos. 20L  
23 and 20K, please? What is depicted in Exhibit No. 20L?

24 A It is the pinhole camera unit as well as the deep  
25 insert skimmer that were placed on the Mount Juliet

1 Providence ATM location.

2 Q And are those items that you removed when you went  
3 to that location to investigate?

4 A Yes, that's correct.

5 Q And did you take these photographs and produce  
6 this exhibit yourself?

7 A I did, yes.

8 MS. KRAFT: Your Honor, I would move into evidence  
9 Exhibit No. 20L and ask to publish.

10 THE COURT: Yes. The Court will receive Exhibit  
11 20L, and you may publish.

12 MS. KRAFT: Thank you, Your Honor.

13 BY MS. KRAFT:

14 Q Now, can you tell us, as Agent Hoalcraft expands  
15 that portion of the picture, what's depicted here?

16 A That is the pinhole camera unit. The piece of  
17 equipment that was utilized is the -- the camera unit was  
18 placed over the dispensing where you receive your receipt on  
19 the ATM. It was actually a piece that matches the ATM, and  
20 so you are still receiving receipts while it was recording.

21 Q And can we see the bottom portion of that exhibit?

22 What is depicted there?

23 A That is the deep insert skimmer that was placed on  
24 the Mount Juliet Providence ATM.

25 Q Okay. Thank you.

1                   And would you look at -- let me back up. Did you  
2 also attempt to determine when that skimmer and pinhole  
3 camera were placed on the Mount Juliet Providence ATM?

4                   A       I did. I reviewed surveillance video imaging and  
5 determined the date and time that the deep insert skimmer  
6 and pinhole camera unit were placed on the ATM.

7                   Q       And what is depicted in Exhibit No. 20K, please?

8                   A       Still photographs from the surveillance video  
9 imaging that I retrieved of the deep insert skimmer and  
10 pinhole camera unit that were placed on the First Tennessee  
11 Bank, Mount Juliet Providence ATM location.

12                  Q       And are these still photographs in Exhibit No. 20K  
13 clips from the surveillance video that you recovered?

14                  A       Yes.

15                  MS. KRAFT: I would move into evidence and seek  
16 permission to publish Exhibit No. 20K, Your Honor.

17                  MR. ULLER: Same objection, Your Honor.

18                  THE COURT: Thank you.

19                  The objection is overruled. The Court will  
20 receive Exhibit 20K, and you may publish the same.

21 BY MS. KRAFT:

22                  Q       Were you able to tell from the surveillance video  
23 what time this ATM skimmer was placed by the individual who  
24 is depicted in these photographs?

25                  A       Yes. It was placed on January 24<sup>th</sup> at

1 approximately 9:31 p.m. Central Standard Time.

2 Q Again, after the bank was closed?

3 A Correct.

4 Q And do you recognize the person who -- let's look  
5 at the top left-hand photograph.

6 Do you recognize the person that's depicted in  
7 that photograph?

8 A Yes.

9 Q Is that the same person who's depicted in Exhibit  
10 No. 20G?

11 A Yes.

12 Q And is that person in court today?

13 A Yes.

14 Q Is that the person, the defendant, who you  
15 identified before?

16 A Yes.

17 Q What are these other photographs that you've  
18 clipped from your surveillance video from January 24<sup>th</sup> of  
19 2018 at the Mount Juliet Providence ATM?

20 A That was during the deep insert skimmer placement  
21 as well as the pinhole camera unit placement on that ATM.

22 Q Okay. What is shown in the right top photograph?

23 A That is the person operating the vehicle.

24 Q Okay. And the bottom photograph?

25 A That would be the individual that was operating

1       the vehicle as well as placed a deep insert skimmer and  
2       pinhole camera unit on that ATM.

3           Q     Okay. And then what is depicted in the remaining  
4       picture?

5           A     That is a still photographic image of the  
6       individual as well as the vehicle that was driven.

7           Q     All right. Now, during your investigation, did  
8       you observe any surveillance video that included a white  
9       minivan with Tennessee plates?

10          A     Yes.

11          Q     Okay. What did you do with the information that  
12       you obtained from the surveillance video that you secured  
13       after finding that ATM skimmers and pinhole cameras had been  
14       placed on ATMs in your institutions?

15          A     I determined that there were deep insert skimmers  
16       and pinhole camera units that were unrecovered. As a  
17       result, those card numbers were harvested and later used to  
18       facilitate ATM withdraws on First Tennessee Bank clients'  
19       accounts without their knowledge or authorization.

20          Q     Did you notify law enforcement --

21          A     Yes.

22          Q     -- about the discovery of these ATM skimmers and  
23       the suspect, or the person that you opined to be a suspect  
24       based on your surveillance video?

25          A     I did, yes.

1           Q     Now, did there come a time in January, in addition  
2 to the times that you -- or did there come a time, actually  
3 later than January, that you became concerned about ongoing  
4 activity involving ATM skimmers on your institutions?

5           A     Yes.

6           Q     And when did that occur, and how did that occur?

7           A     That was in March 24<sup>th</sup> through the 27<sup>th</sup> where  
8 ATM withdraws that were transacted at First Tennessee Bank  
9 ATM locations, were determined as unauthorized card numbers.  
10 From that I did a data analysis and identified unrecovered  
11 skimming devices that were placed on multiple ATM locations  
12 that resulted in a significant number of unauthorized ATM  
13 withdraws and subsequent loss to First Tennessee Bank.

14           Q     Did you receive information that had been provided  
15 by customers who felt that their cards had been compromised?

16           A     Absolutely. So we have what we refer to as the  
17 card claim center, which is essentially customer service for  
18 unauthorized card activity or ATM withdraws. Clients call  
19 in. They report it. They complete an affidavit, or what we  
20 refer to as a statement of facts. The card claim center  
21 received a significant number of card claims involving  
22 unauthorized ATM withdraws at First Tennessee Bank ATM  
23 locations located throughout middle Tennessee.

24                 As a result, I received the phone call and began  
25 data mining through those card numbers, identified

1 unrecovered ATM skimmers and pinhole camera units that were  
2 what we referred to as the common point of purchase or the  
3 common point of compromise that resulted in the data being  
4 harvested and subsequent ATM withdraws that were  
5 unauthorized.

6 Q And what were the common points of compromise, if  
7 you can tell us?

8 A They were ATM deep insert skimmers. They were  
9 placed on the First Tennessee Bank Parkway Commons Financial  
10 Center in Franklin, Tennessee.

11 Q Is that the same ATM that you had recovered the  
12 ATM skimmer and pinhole camera on January 24<sup>th</sup>?

13 A Yes, that's correct.

14 Q Okay. And where else?

15 A An additional location is the First Tennessee Bank  
16 Brentwood ATM location. It's located at 202 Franklin Road.  
17 That's in Brentwood, Tennessee.

18 Q Okay. And when you identified those as locations  
19 that were a common point of compromise, what, if anything,  
20 did you do to attempt to determine whether or not ATM  
21 skimmers had been placed on those locations?

22 A I reviewed surveillance video imaging of the time  
23 period, and from that I was able to identify the deep insert  
24 skimmers and pinhole camera units that were placed at the  
25 Parkway Commons ATM and the Brentwood ATM that were

1 unrecovered.

2 Q Okay. And in front of you should be Exhibit Nos.  
3 20A and 20B. Can you tell me whether or not you recognize  
4 those?

5 A Yes.

6 Q What do you recognize those to be?

7 A These are still photographic images that I  
8 retrieved from the surveillance video of the unrecovered  
9 skimming device, the deep insert skimmer, as well as the  
10 pinhole camera unit that were placed at the Parkway Commons  
11 ATM that I referenced in Franklin, Tennessee.

12 MS. KRAFT: Okay. I would move into evidence  
13 Exhibit Nos. 20A and 20B and ask to publish these.

14 MR. ULLER: Same objection, Your Honor.

15 THE COURT: All right. Thank you.

16 The objection is overruled. The Court will  
17 receive both Exhibits 20A and 20B, and you may publish.

18 MS. KRAFT: Thank you.

19 BY MS. KRAFT:

20 Q Do you want to, Agent Hoalcraft, please, enlarge  
21 the photograph on the right-hand side of the page at the  
22 bottom?

23 And what does this depict?

24 A It's a still photographic image retrieved from the  
25 surveillance video of the deep insert skimmer and pinhole

1       camera unit that were placed on the Parkway Commons ATM.

2           Q     And on the surveillance video, could you actually  
3       see this individual placing the devices?

4           A     Yes, that's correct.

5           Q     And is this the same individual that we observed  
6       in these previous exhibits, Exhibit Nos. 20G, H, and K?

7           A     Yes, that's correct.

8           Q     And on what date was this skimming device and  
9       pinhole unit placed?

10          A     January 13<sup>th</sup> at approximately 8:15 p.m. Central  
11       Standard Time.

12          Q     And what is 20B?

13          A     20B is the removal of the deep insert skimmer and  
14       pinhole camera unit from the Parkway Commons Financial  
15       Center ATM in Franklin, Tennessee. So that's the time that  
16       the actual deep insert skimmer was removed from the card  
17       reader and the pinhole camera unit was removed from the ATM.

18          Q     And do you recognize the person who's depicted in  
19       that photograph?

20          A     Yes.

21          Q     And is it the same person who we've seen in these  
22       other photographs that we've been looking at?

23          A     Yes, that's correct.

24          Q     So in this case, what date was it removed?

25          A     January 15<sup>th</sup>.

1           Q     Of 2018.

2                         So in this case, the individuals involved in this  
3     had actually captured the data of the customers who had used  
4     their ATM cards during the period of time that the skimmer  
5     was placed on, or we assume they had?

6           A     Yes, that's correct.

7           Q     Would you look at Exhibit No. 20C, please, and 20D  
8     and tell me whether or not you recognize these exhibits?

9           A     Yes. This is another common point of compromise.  
10                 It was an unrecovered deep insert skimmer and pinhole camera  
11     unit that were placed on the Brentwood ATM location, First  
12     Tennessee Bank ATM location located in Brentwood, Tennessee.

13           Q     And what date does 20C show that this skimmer was  
14     placed?

15           A     It was placed on January 20<sup>th</sup>, 2018.

16           Q     And did you also recover video surveillance  
17     footage that showed you when it was removed?

18           A     Yes, that's correct. The surveillance video  
19     imaging, the still photographic images from it were shown  
20     that the deep insert skimmer and pinhole camera unit were  
21     removed on January 21<sup>st</sup>, 2018.

22           Q     Okay. And is the placement Exhibit No. 20C and  
23     the removal Exhibit No. 20D?

24           A     Yes, that's correct.

25                         MS. KRAFT: All right. Your Honor, at this time,

1 I would move into evidence Exhibit Nos. 20C and D and ask to  
2 publish them.

3 THE COURT: All right. The Court will receive  
4 Exhibits 20C and 20D, and you may publish.

5 MS. KRAFT: Thank you, Your Honor.

6 BY MS. KRAFT:

7 Q And then if we could just --

8 MR. ULLER: For the record, Judge, just the same  
9 objection.

10 MS. KRAFT: If we can maybe enlarge one of these.  
11 Maybe the one at the bottom of the --

12 THE COURT: The objection is noted and overruled.

13 MS. KRAFT: The left bottom, yes.

14 BY MS. KRAFT:

15 Q Ms. Woodard, is this the same individual that is  
16 depicted in the other surveillance clips that you obtained  
17 from your ATM?

18 A Yes, that's correct.

19 Q And could we see Exhibit No. 20D, please?

20 Again, is this the same person?

21 A Yes, that's correct. And the actual -- on the  
22 second row, that first -- that picture, actually, he has the  
23 skimming device in his hand that he's removed, the deep  
24 insert skimmer.

25 Q Okay. And, finally, would you look at Exhibit

1 Nos. 20E and 20F, please? What do these depict?

2 A These are still photograph images that were  
3 retrieved from the surveillance video imaging where I  
4 determined another unrecovered skimmer had been placed on  
5 the First Tennessee Bank Parkway Commons Financial Center  
6 ATM, and that's located in Franklin, Tennessee.

7 Q Okay. And what does 20E show?

8 A The placement of the deep insert skimmer into the  
9 card reader of the ATM and the pinhole camera unit.

10 Q And what is 20F?

11 A The removal of the deep insert skimmer from the  
12 card reader as well as the pinhole camera unit.

13 Q And this device was placed on what day?

14 A January 20<sup>th</sup>, 2018.

15 Q And removed on what day?

16 A January 21<sup>st</sup>, 2018.

17 Q So essentially these are, like, one or two days  
18 that all of this data is captured?

19 A That's correct.

20 MS. KRAFT: Your Honor, I would move into evidence  
21 Exhibit Nos. 20E and 20F and also seek to publish.

22 MR. ULLER: Same objection, Judge.

23 THE COURT: All right. Thank you.

24 The objection is overruled. The Court will  
25 receive Exhibits 20E and 20F, and you may publish.

1 BY MS. KRAFT:

2 Q Could you enlarge one of those pictures for us,  
3 please?

4 Is that the same individual that is depicted in  
5 the other photographs that we see?

6 A Yes, that's correct.

7 Q The defendant is here in court today?

8 A Yes, that's correct.

9 Q And were you able to see in the surveillance video  
10 him actually putting the skimmer and pinhole cameras on the  
11 ATM machine?

12 A Yes.

13 Q Now, there's a car in that photograph. What kind  
14 of car is that?

15 A A white minivan.

16 Q Were there different cars that were used at  
17 different times that these skimmers were placed? Based on  
18 your surveillance video, are you able to tell us that?

19 A There appear to be multiple vehicles on the  
20 surveillance video.

21 Q Okay. And can we see 20F, please? Can we see the  
22 picture that's depicted at the bottom left-hand side?

23 Can you tell us what is in his hand at this point?

24 A Facing it to the left, you'll see the actual deep  
25 insert skimmer, and that's a card also in his hand.

1           Q     Okay. But the item that appears to be grayish --

2           A     Right here, yes (indicating).

3           Q     -- right. Okay -- is the deep inside skimmer that  
4 is being removed that day?

5           A     Correct.

6           Q     And what day was that skimmer removed at that  
7 location?

8           A     January 21<sup>st</sup>, 2018.

9           Q     And at some point -- I believe you maybe answered  
10 this already -- did you contact law enforcement about the  
11 skimming activity at your ATM machines?

12          A     Yes. The recovered devices were turned over to  
13 the local law enforcement agencies at the time that they  
14 were recovered. The unrecovered skimmers were determined to  
15 be the common point of compromise, and law enforcement was  
16 notified as well.

17          Q     Can you give us an estimate as to how much money  
18 First Horizon has lost as a result of ATM skimming over the  
19 past year?

20           MR. ULLER: Objection. Relevance.

21           THE COURT: The objection is overruled.

22           THE WITNESS: I can tell you that as a result of  
23 the unrecovered skimming devices associated that we  
24 discovered, First Tennessee incurred a loss of approximately  
25 \$147,000.

1 BY MS. KRAFT:

2 Q And is it also correct that when a customer's  
3 account is compromised, it's the bank itself that incurs the  
4 loss and not the customer?

5 A That's correct. The customer's account is  
6 credited, yes, by the bank.

7 MS. KRAFT: Thank you. That's all.

8 THE COURT: Thank you, Ms. Kraft.

9 Mr. Uller.

10 MR. ULLER: No questions, Your Honor.

11 THE COURT: Thank you.

12 Ms. Woodard, are you able to tell, either from the  
13 surveillance videos at the time these devices were  
14 installed -- and when I say "devices," I'm talking about the  
15 skimmer and the camera -- the methodology by which these  
16 devices are actually inserted because it appears there are  
17 no tools in anyone's hand. Do they just slip in the card  
18 reader and they're left to be reposed until they're removed,  
19 and what holds them in place?

20 THE WITNESS: So with the deep insert skimmer, it  
21 actually goes deep into the card reader. So you don't  
22 actually have to have any type of material that retains it  
23 because it goes deep inside the actual card reader. When it  
24 is removed, surveillance video determined that there is a  
25 card utilized that appears to help capture the deep insert

1 skimmer out of the card reader.

2                   The pinhole camera unit, I can tell you that the  
3 ones that I did remove, all had a glue residue on the back  
4 of them. But it appears that when they are removed from the  
5 vehicle and placed on the ATM, that all parts, including the  
6 residue that's utilized for it to stick onto the ATM, are  
7 already in place.

8                   THE COURT: But once the deep skimmer is  
9 installed, what holds it in place?

10                  THE WITNESS: It's essentially the card reader.  
11 So it's inserted so deep inside the card reader that it  
12 literally becomes almost a part of the machine. That's why  
13 it's built the way it is. So it has the two points, and  
14 then you have the longer strand at the bottom because when a  
15 card is inserted into those card readers, that's exactly how  
16 the card reader is built.

17                  THE COURT: All right. Thank you.

18                  MS. KRAFT: Can I ask a follow-up question?

19                  THE COURT: Certainly.

20 BY MS. KRAFT:

21                  Q     Based on your review of the surveillance video,  
22 were you able to tell how long it took to place one of these  
23 devices with both the reader and the pinhole camera and how  
24 long it took to remove one?

25                  A     Approximately a minute, up to three minutes at

1 max, if they can get the camera to stick.

2 MS. KRAFT: Okay. Thank you.

3 THE COURT: All right. Thank you, Ms. Woodard.

4 You're excused.

5 You may call your next witness.

6 MS. KRAFT: The next witness is Detective John  
7 Milotzky.

8 JOHN MILOTZKY, WITNESS, SWORN

9 DIRECT EXAMINATION

10 BY MS. KRAFT:

11 Q Good afternoon.

12 A Good afternoon.

13 Q Can you please tell the ladies and gentlemen of  
14 the jury how you're employed?

15 A I am a detective with the City of Wauwatosa Police  
16 Department.

17 Q And how long have you worked for the City of  
18 Milwaukee Police Department?

19 A City of Wauwatosa.

20 Q I'm sorry. City of Wauwatosa Police Department.

21 A That's right. 17 years.

22 Q And how long have you been a detective?

23 A Eight years.

24 Q Can you tell us whether or not you have any  
25 special assignment as a detective with the Wauwatosa Police

1 Department?

2 A I do. I primarily investigate financial crimes,  
3 and for the last four years I've been assigned to the  
4 Milwaukee Financial Crimes Task Force with the  
5 Secret Service.

6 Q Okay. Have you had any particular specialized  
7 training to have that specialized position?

8 A Yes. I'm a certified fraud examiner, and I also  
9 participate in ongoing training and conferences every year  
10 through the International Association of Financial Crimes  
11 Investigators and the Association of Certified Fraud  
12 Examiners.

13 Q As a result of your training and experience, are  
14 you familiar with activity that is, I guess, known as ATM  
15 skimming?

16 A Yes, I am.

17 Q And although we've had some testimony about this  
18 already, can you tell us briefly what your understanding of  
19 ATM skimming is?

20 A With the ATM skimming crimes that we've been  
21 involved in, typically a person or persons will place a  
22 skimmer overlay over an ATM or a gas pump, or they'll use a  
23 deep insert skimmer which actually goes inside the machine.  
24 And as it relates to gas pumps, they'll frequently open up  
25 the gas pump and put the skimmer right in, and there's

1 usually, like, a pinhole camera associated with it so that  
2 if someone is entering a pin number, it will record them  
3 entering their pin number. So they'll have that to use  
4 along with the account number at a later date.

5 Q And how is it that that data is captured by a  
6 skimmer when they are installed on ATM machines? What are  
7 the mechanics of that?

8 A Well, the skimmer is reading the data that's  
9 encoded on the magnetic stripe of the card that's inserted.  
10 And on that magnetic stripe there's three different tracks  
11 of information, kind of like a compact disc has different  
12 tracks with songs, and it just records that track data so  
13 that they can use it at a later date.

14 Q So what is the type of data that are recorded on  
15 the magnetic stripe then? You said it has three tracks of  
16 data on it. What kind of data is -- let me back up.

17 On a normal card, a credit card, debit card, a  
18 type of card that one might use in order to withdraw money  
19 from their account, what information is on the front of the  
20 card?

21 A What information is on the front of the card?

22 Q Yes.

23 A We will typically have the EMV chip, the primary  
24 account number, the cardholder's name, and expiration date.

25 Q So the front of the card normally would provide

1 identifying information about the account holder; is that  
2 correct?

3 A Typically.

4 Q And the number is sometimes printed and sometimes  
5 embossed on the front of the card?

6 A Correct.

7 Q So, like, if I call up, and I want to order  
8 something from Amazon, and I'm talking on the phone, I can  
9 give them my card number by just reading the number off of  
10 the card; is that correct?

11 A That's correct.

12 Q On a legitimate or genuine card, what's on the  
13 back of the card then?

14 A The back will have the magnetic stripe, and it  
15 will have information as far as the issuing bank or the  
16 issuing financial institution that issued that credit  
17 account, usually a contact number; sometimes a  
18 three-dimensional hologram.

19 Q So on a genuine card, does the printed or embossed  
20 number on the front of the card, is it the same as the  
21 number that's encoded on the back of the card on the  
22 magnetic strip?

23 A Yes, it is.

24 Q Okay. And on a typical card, it starts out  
25 usually with four or six digits and then goes on to have a

1           number of other digits; is that correct?

2           Can we just put up one example here? There we go.

3           Okay. We're looking at -- now, this is a gift  
4         card. And are gift cards basically created in the same way  
5         that a debit or credit card would be created?

6           A     Sure. Yes. It's a payment card.

7           Q     It has numbers on it, right?

8           A     Yes.

9           Q     What are the first four or six numbers on any  
10         given card?

11          A     So the first six numbers are what's called a bank  
12         identification number, and they're unique to the issuing  
13         financial institution. So every account number that's on  
14         the front of any card that's legitimately issued, those  
15         first six numbers will tell you who the issuing financial  
16         institution is. It's kind of almost like address blocks on  
17         a physical building.

18          Q     And then the rest of the numbers on the card, what  
19         are those?

20          A     The full 16 numbers that you see there is what's  
21         called the primary account number, and the numbers -- as I  
22         said, the first six identify the financial institution, the  
23         remaining 10 numbers are specific for that bank and how they  
24         issue it. I couldn't tell you what each individual number  
25         means, but it's issued by the bank, and they use that as a

1 form of tracking.

2 Q And is that number, the digits that follow the  
3 first six, are those the numbers that basically identify a  
4 particular account?

5 A Correct.

6 Q All right. So that's identification information  
7 of the account holder; is that correct?

8 A Correct.

9 Q Okay. And did you tell us that the two numbers on  
10 a genuine card should match?

11 A They should match with what's encoded on the  
12 magnetic strip, yes.

13 Q So they're going to be the same. All right.

14 So these are exhibits -- where is the exhibit  
15 sticker on this?

16 This is Exhibit No. 1A. This is, for the record,  
17 the cards that Detective Hinke testified she recovered from  
18 the defendant.

19 This is Exhibit No. 3A, for the record, the cards  
20 that Detective Artus testified that he recovered from  
21 Florin.

22 This is Exhibit 2A, for the record, the cards that  
23 Detective Artus said that he recovered from the wallet of  
24 Florin.

25 And this is Exhibit No. 4A, the six cards that

1           Sergeant Ansell testified that he recovered from the  
2           bathroom at the Kwik Trip in Oshkosh on May 16<sup>th</sup> of 2018.

3                   Do you recognize what are located in those  
4           exhibits, Detective Milotzky?

5           A       Yes. These look like the cards that I  
6           interrogated for Agent Hoalcraft.

7           Q       Okay. How did you come to get those cards from  
8           Agent Hoalcraft?

9           A       They contacted me because they had recovered these  
10          cards and asked that I interrogate all the magnetic stripes  
11          of the cards to determine if they were, in fact, counterfeit  
12          cards.

13          Q       Okay. And were you able to do that?

14          A       I was.

15          Q       And how did you do that?

16          A       I used a -- it's a software program that scans the  
17          magnetic stripe on the back, and it reads the data similar  
18          to any point of sale terminal, but it's incorporated with  
19          software that provides you with the account number that's  
20          encoded on the magnetic stripe, and then it automatically  
21          checks the bin and identifies the issuing financial  
22          institution.

23          Q       Okay. So explain how it is that you do that. Do  
24          you swipe the card?

25          A       Yes. It's a handheld card reader. Simply you

1       hook it up with the software, and when you swipe the card,  
2       it reads the data that's encoded on the magnetic stripe.

3           Q     Okay. Are you trying to determine when you get  
4       these cards from Agent Hoalcraft whether or not they're  
5       legitimate cards or counterfeit cards?

6           A     Correct.

7           Q     Okay. You swiped each card. Are there 100 cards  
8       there?

9           A     I know I interrogated 100 cards without counting  
10      each one individually. I'm guessing there's 100 there.

11          Q     Okay. So you swiped each one of those 100 cards.

12           When you swiped the card, what happened with  
13      respect to your program? Did you get a number?

14          A     Yes. So if I swipe a card, and it shows me the  
15      number that's encoded on the mag stripe, and that's  
16      different than what is embossed or printed on the front, I  
17      immediately know that I have a counterfeit card.

18          Q     Okay. So you swiped each one of these cards?

19          A     Correct.

20          Q     And then if there's a different number on the  
21      front of the card, then the number that the software program  
22      shows you to be encoded on the magnetic stripe, what do you  
23      do?

24          A     I then enter it as what's called a clone, and I  
25      manually input the account number that's on the front of the

1 card.

2 Q Okay. So for each card that's in front of you,  
3 then, that you swiped, you have a number that was encoded on  
4 the back. Then you manually -- well, let me ask you this:  
5 For each card, did you have to manually enter in a printed  
6 number? Was the number encoded on the back of each of these  
7 cards different than the number that was printed on the  
8 front?

9 A Yes, it was on all 100 cards.

10 Q All right. And when you finished doing that, when  
11 you finished swiping each card and then typing in the number  
12 that was on the front, did you somehow generate a report  
13 that reflected all of that information, what was on the  
14 front and what was on the back?

15 A I did.

16 Q And did that information also include an  
17 identification of the banks that had issued the cards to the  
18 account holders whose information was on the magnetic  
19 stripes?

20 A Yes. It identified the issuing financial  
21 institution of both the number that's on the front of the  
22 card and then also, since it was a different number, it  
23 identified the financial institution of the issuing account  
24 that was encoded on the mag stripe.

25 Q Okay. In front of you is a folder, and it has a

1 multipage exhibit in it which is marked Exhibit No. 25. Do  
2 you recognize that?

3 A Yes.

4 Q And what do you recognize that to be?

5 A That's a report that I generated based on the  
6 interrogation of these cards.

7 Q Okay. This was generated by the electronic reader  
8 that you're describing, the software program?

9 A Correct.

10 MS. KRAFT: Okay. Your Honor, at this time, I  
11 would move into evidence Exhibit No. 25 and ask to publish.  
12 And I also have copies -- I don't have copies. I thought I  
13 had copies for each of the jurors.

14 MR. ULLER: I have an objection on hearsay.

15 THE COURT: The objection is overruled. The Court  
16 will receive Exhibit 25.

17 You may publish.

18 BY MS. KRAFT:

19 Q Okay. I thought I had copies for the jurors, but  
20 we'll try to make this large so we can see a little better.

21 So in the left-hand corner in that first column,  
22 what is it that is depicted?

23 A It's the issuing bank.

24 Q Does that purport to be the issuing bank of the --  
25 for the number that's on the front of the card?

1 A Correct.

2 Q The printed number?

3 A Yes.

4 Q In this case, all of the numbers were printed, is  
5 that right, on the front of the cards?

6 A Yes.

7 Q None of them were embossed.

8 Q Okay. Then in the column that says "card number,"  
9 what is that?

10 A That's the 16-digit account number that was  
11 printed on the front of the card.

12 Q Okay. And what we see in that column is just the  
13 last four digits of that; is that correct?

14 A Correct.

15 Q Okay. So we have, at least for this example that  
16 we're looking at, a bank card that was supposedly issued by  
17 Bankcorp Bank with the last four digits of 7582. And it  
18 purports to be a prepaid debit card issued by Visa; is that  
19 correct?

20 A Correct.

21 Q And it was a vanilla Visa card. Is that what your  
22 report says?

23 A Yes.

24 Q Okay. Agent Hoalcraft, could you move the column  
25 over?

1                   Now, what is this? Is this the same card?

2                   A     Yes. That's the same card, but that's the  
3 information that was encoded on the mag stripe.

4                   Q     Okay. And what bank did the mag stripe reflect  
5 actually issued this card?

6                   A     It was an account issued by U.S. Bank.

7                   Q     Okay. And the card number, the last four digits  
8 of the card, are what?

9                   A     4526.

10                  Q     They're not the same as the number that was on the  
11 front of the card, are they?

12                  A     They are not.

13                  Q     And it's a debit card issued by Visa; is that  
14 correct?

15                  A     Correct.

16                  Q     Through U.S. National Bank Association?

17                  A     Yes.

18                  Q     And you did this for each of the 100 cards that  
19 were recovered as part of this law enforcement  
20 investigation; is that correct?

21                  A     Yes, I did.

22                  Q     And let me ask you: Did you divide the cards up  
23 as you did your examination of them?

24                  A     Yes, if I recall.

25                  Q     So the first three pages of your report, were

1           those the 80 cards?

2           A       Yes.

3           Q       Okay. And that's what you examined from  
4           Exhibit A1; is that correct?

5           A       Correct.

6           Q       And did any of those 80 cards have the same  
7           information printed on the front that was encoded on the  
8           magnetic stripe or strip on the back?

9           A       No, not a single one.

10          Q       And were any of those cards issued by the bank  
11          that was reflected on the -- actually issued by the bank  
12          that was reflected on the card itself?

13          A       No.

14          Q       Okay. I would like you to look at the next page  
15          of your Exhibit 25. It lists two cards; is that correct?  
16          Or do I not have them in the same order?

17          A       They're not in the same order.

18          Q       Let's take the one that's two cards. That is your  
19          examination of the cards that were recovered in Exhibit  
20          No. 2A; is that correct?

21          A       Correct.

22          Q       All right. Did either of those two cards have the  
23          same number printed on the front as was encoded on the  
24          magnetic stripe on the back?

25          A       No, they did not.

1           Q     And then let's look at the page -- you have a page  
2 here where you have, I believe, 12 cards. Can you turn to  
3 that page?

4           A     Okay.

5           Q     Did any of those 12 cards have the same  
6 information, bank and account information, printed on the  
7 front as what was encoded on the back?

8           A     No, they did not.

9           Q     And then, finally, you have a page that has six  
10 cards, examination of six cards. Did any of those six cards  
11 have the same information, both bank and account, printed on  
12 the front that was the same as what was encoded on the back?

13          A     No, they did not.

14          Q     So what is your opinion about the genuineness of  
15 these 100 cards that you examined?

16          A     All 100 of them are counterfeit and had alternate  
17 account numbers encoded on the magnetic stripes.

18          Q     Okay. If you look at this debit card -- this is  
19 F1. This is the card that, for the record, that Ms. Edwards  
20 brought to court today. And can you look at the first page  
21 of your report? Probably about five from the bottom on the  
22 side that reflects what's reflected on the magnetic strip.

23          A     Okay.

24          Q     Do you see it?

25          A     Yes.

1 Q Okay. What bank issued that card?

2 A JP Morgan Chase.

3 Q And it's a debit card?

4 A Yes.

5 Q And the last numbers are 8856; is that right?

6 A Correct.

7 Q Can you tell me what number was on the front of  
8 that card, the card that was recovered from the defendant by  
9 Agent Hinke?

10 A Yes. The account number on the card that was  
11 recovered was 4847186346104793.

12 Q So the last digits are 4793?

13 A Correct.

14 Q They're not the same?

15 A They're not the same.

16 Q Okay. Can you look at the very last page of the  
17 80 cards that are on your exhibit? And the very last entry,  
18 can you read me the last four digits that are on the  
19 magnetic strip on that card?

20 A 1014.

21 Q For the record, that's the account number that  
22 Matt -- what's his last name?

23 MS. MORENO-TAXMAN: Palmieri.

24 BY MS. KRAFT:

25 Q -- Palmieri testified was his real number.

1           Can you then move over to the counterfeit cards  
2       that were recovered from the defendant and tell me what the  
3       last four digits on that particular -- you determined that  
4       the last four digits on that particular card were?

5           A     6370.

6           Q     And those are not the same?

7           A     Those are not the same.

8           Q     What bank issued the card that has the last digits  
9       1014?

10          A     JP Morgan Chase.

11          Q     Okay. And it's a debit card; is that correct?

12          A     Yes.

13          Q     And that's what was encoded on the back of that  
14       particular card?

15          A     Correct.

16          Q     But the number on the front of that card is not  
17       the same?

18          A     That is correct.

19          Q     What bank did the number on the front of the card  
20       purport to say had issued that card?

21          A     That account was issued by the bank holder.

22          Q     Then I would like you to look at -- oh, gosh. Now  
23       I've got my pages mixed up.

24                      The middle column of -- I believe it's going to be  
25       the second page of your report that reflects the examination

1 of the 80 cards.

2 In the middle of the page, do you see on the side  
3 that shows the numbers that were encoded -- actually encoded  
4 on the magnetic strip, a number that is 1829?

5 And, for the record, that's the number that  
6 Erika Borg testified was her card number.

7 A So that was on the second page?

8 Q I believe it's on the second page. About halfway  
9 down on the side that's --

10 A Yes, I see it.

11 Q Okay. And if you could then look across and find  
12 where it is that the -- I just need the last four digits of  
13 the number that was on the card, printed on the card that  
14 produced this 1829 number and the encoded portion?

15 A It was printed account ending in 4424.

16 Q And what bank issued the account -- or the card  
17 that was the actual card -- that was the card that had the  
18 decoded information on the magnetic strip?

19 A Could you repeat?

20 Q 1829.

21 A Okay. The account number ending in 1829 was  
22 issued by JP Morgan Chase.

23 Q And what bank does the printed information on that  
24 card reflect or purport to be the issuing bank?

25 A That account was issued by the Bankcorp Bank.

1           Q     So among the 80 cards that you examined as part of  
2     Exhibit 1A, none of them had the same information on the  
3     front and on the back; is that correct?

4           A     That's correct.

5           Q     Okay. Now, let's look at the 12.

6                 Will you bring that up on the screen,  
7     Agent Hoalcraft?

8                 For the record, these are the 12 cards that were  
9     recovered from Florin's pocket.

10               Would you look about a third of the way down? Do  
11     you see a number that was encoded on the back of the card  
12     that ends in 0708?

13           A     Yes.

14           Q     And what are the last four digits of the printed  
15     number on that card?

16           A     4255.

17           Q     And do you see on the encoded portion of the card  
18     a number that ends in 9973?

19           A     Yes.

20           Q     And what number is printed on the face of the  
21     card?

22           A     Account number ending 8849.

23           Q     And then, finally, on the receipt, do you see a  
24     number ending with 6891?

25           A     Yes.

1 Q And do you see on your chart a coded number that  
2 ends with that number, 6891?

3 A 6891. That was on a printed card that ended 7651.

4 Q And, for the record, these are the receipts that  
5 reflect money was withdrawn at various ATMs in Illinois on  
6 May 12<sup>th</sup> of 2018.

7 And then would you look at the two, the two  
8 card -- this is Exhibit No. 18B. Do you see what that is?

9 A It's a receipt from Neiman Marcus.

10 Q For?

11 A A pair of \$595 shoes.

12 Q And what are the last four digits of the account  
13 number that are on that receipt?

14 A 1255.

15 Q Okay. And when you examined those two cards, did  
16 you find a card that had "1255" printed on the front of it?

17 A No.

18 Q What was printed on the front of this card?

19 A An account number ending 8540.

20 Q And it purported to be an American Express gift  
21 card?

22 A Correct.

23 Q But, in fact, what bank issued the account that  
24 ends in 1255?

25 A It's an account issued by UMB Bank.

1 MS. KRAFT: Your Honor, at this point, we would  
2 move into evidence 18B and 18B1, which I think the Court  
3 said was going to reserve ruling until we had tied it up.

4 THE COURT: The Court already received it subject  
5 to being tied up, and the Court finds there's sufficient  
6 predicate to tie the Exhibits 18B and 18B1. Received.

7 BY MS. KRAFT:

8 Q And then, finally, this is Exhibit No. 4B, which,  
9 for the record, Sergeant Ansell testified he recovered from  
10 the bathroom.

11 Do you see the card that is circled on your  
12 exhibit that reflects your examination of the six cards?

13 A Yes.

14 Q And would you read us the last four digits of the  
15 card that Sergeant Ansell found?

16 A The card ending 3132?

17 Q Yes. Okay. And on your chart, what was the  
18 number that was encoded on the back of that card?

19 A It was an account number ending 3654.

20 Q And I'm now going to hand you 16.

21 For the record, these are receipts recovered from  
22 the Kwik Trip with respect to items that were purchased  
23 there.

24 Do you see either of those numbers on these  
25 receipts?

1           A     Yes. The account number ending 3654 is on both of  
2 them.

3 Q And that's on the -- or that number is the one  
4 that goes with the legitimate card; is that correct?

5 A      Correct.

6 Q But that number is not printed on the front of the  
7 card?

8 A That is correct.

Q      What are the last digits on the front of the card?

10 A 3132.

11 MS. KRAFT: With that, Your Honor, my somewhat  
12 awkward examination of Detective Milotzky is finished.

13 THE COURT: All right. Thank you. Mr. Uller.

14 MR. ULLER: Thank you.

15 || CROSS-EXAMINATION

16 BY MR. ULLER:

17 Q Detective, your report indicates that it was  
18 created on May 21<sup>st</sup>, correct?

19 A Correct.

Q That's the date that you examined the cards?

21 A Correct.

22 Q And that's the date that you had this report  
23 prepared?

24 A Yes.

25 Q What did you do with this report after you

1 received it? Did you turn it over to the Government?

2 A I turned it over to Agent Hoalcraft.

3 Q Now, the report is the product of a few different  
4 factors, right? There's a hardware that you use, correct?

5 A A combination of hardware and software.

6 Q There's software as well, right?

7 A Yes.

8 Q And there's also a human component to it as well,  
9 right?

10 A Sure.

11 Q You are the human?

12 A Yes.

13 Q And you are swiping the cards?

14 A Yes.

15 Q And you're also inputting information into this  
16 report; is that correct?

17 A I'm not putting information solely into this  
18 report. It's more into the software as you interrogate the  
19 cards.

20 Q So you put information into the program?

21 A Yes.

22 Q Now, this is a program, both the hardware and  
23 software, that you use in your capacity as a detective,  
24 right?

25 A Correct.

1 Q You obtain those through your work at the Waukesha  
2 Police Department?

3 A Correct.

4 Q And you obtain this hardware and this software to  
5 do precisely the type of work that you did in this case,  
6 right?

7 A Correct.

8 Q What's the software called?

9 A Electronic Recovery and Access to Data, which is  
10 also ERAD for short.

11 Q And what about the hardware?

12 A The hardware is a simple device that reads  
13 magnetic stripes, the same kind of hardware that you would  
14 swipe your card at a gas pump, at a point of sale terminal.  
15 It's just a device that plugs into the computer that reads  
16 the data encoded on the stripe.

17 Q What's it called?

18 A A magnetic stripe reader.

19 Q Is there a brand, or is there --

20 A No. There's multiple different brands that are  
21 available. The one that I use mostly is the one that is  
22 provided with the ERAD software.

23 Q So it actually comes with the software program?

24 A Yes.

25 Q And the software program is something you use with

1 what kind of frequency?

2 A Typically once a week, sometimes more.

3 Q How long have you had it?

4 A A little over a year.

5 Q So when you used it in May, you had had it maybe  
6 eight months? Six to eight months?

7 A I think about 11 months at that point.

8 Q Okay. And you used it with some frequency?

9 A Yes.

10 Q And do you use it mostly for Wauwatosa Police  
11 Department business or more so with your role on this task  
12 force?

13 A A combination of both, as well as assisting other  
14 agencies in the area.

15 Q This is an investigation from Oshkosh. When you  
16 say "in the area," what sort of law enforcement agencies do  
17 you find yourself assisting?

18 A Well, currently our agency was one of the first to  
19 have it in Milwaukee County. So I assisted some of the  
20 other Milwaukee County agencies as they encountered cloned  
21 card cases.

22 Q So it's a somewhat unique program that you guys  
23 have?

24 A To Milwaukee County it was.

25 Q What about the region in general?

1           A     Everyone in Waukesha County has it. Their DA's  
2 office runs their program. It's used all over the country.  
3 Milwaukee County was just a little slow in getting it.

4           Q     And do you know the ins and outs of how it works?

5           A     I know how to use it. It's kind of like I know  
6 how to use my TV, but I can't explain how the software  
7 works.

8           MR. ULLER: Thank you. Nothing further,  
9 Your Honor.

10          MS. KRAFT: No redirect.

11          THE COURT: All right. Thank you, Detective. You  
12 may step down. You are excused.

13          MS. MORENO-TAXMAN: Would you like us to call our  
14 next witness, Your Honor?

15          THE COURT: I'm sorry?

16          MS. MORENO-TAXMAN: Do you want us to continue?

17          THE COURT: Certainly.

18          MR. ULLER: Judge, can we have a brief sidebar  
19 before we continue?

20          (Bench conference.)

21          MR. ULLER: I raised the hearsay objection when  
22 they offered the exhibit. After hearing from the detective,  
23 it's apparent from the detective's testimony that he doesn't  
24 know how the software operates.

25          THE COURT: You made your record; the Court has

1 made its. Let's move on.

2 (In open court.)

3 MS. KRAFT: The record should reflect that  
4 Michelle Pribyl from our office is sitting at counsel table  
5 just to operate the computer.

6 THE COURT: Thank you.

7 ZACHARY HOALCRAFT, WITNESS, SWORN

8 DIRECT EXAMINATION

9 BY MS. MORENO-TAXMAN:

10 Q Special Agent Hoalcraft, how are you employed?

11 A I'm employed as a special agent with the United  
12 States Secret Service.

13 Q What are your general duties?

14 A My general duties here in Milwaukee are  
15 investigating financial crimes along with protecting the  
16 president, the vice president, and their families.

17 Q And how long have you been employed by the United  
18 States Secret Service?

19 A I have been employed by the Secret Service for  
20 almost four years.

21 Q And in what capacities?

22 A I've been an agent for approximately a year, and  
23 before that I was an officer in Washington, D.C.

24 Q What did you do as an officer in Washington, D.C.?

25 A I protected the embassies located around the city

1 and all the foreign dignitaries as well as the White House  
2 and the vice president's residence and general policing in  
3 the District of Columbia.

4 Q Okay. I'm just going to ask you to speak a little  
5 slower. We're at the end of the day, and our court reporter  
6 has to take everything down, so if you can just slow down a  
7 little bit. Thank you.

8 And as part of your duties, have you received  
9 training in ATM skimming?

10 A Yes, I have.

11 Q And can you explain to us what ATM skimming is?

12 MR. ULLER: Objection. This has been asked and  
13 answered.

14 THE COURT: The objection is noted and overruled.

15 Answer the question.

16 THE WITNESS: ATM skimming is the process where a  
17 device is placed inside or over an ATM terminal where you  
18 would insert your card. The device collects the data that's  
19 on the mag stripe on the back of the card, and there's a  
20 pinhole camera generally placed somewhere on the ATM to be  
21 able to collect your pin number that you're putting in after  
22 you insert your card.

23 BY MS. MORENO-TAXMAN:

24 Q And why do people do this?

25 A From my understanding, people do this to collect

1 information about people using their ATM cards and then  
2 will, in turn, re-encode the information onto another card  
3 and attempt to perform withdraws on other accounts.

4 Q So once the information is taken from the magnetic  
5 strip through the skimmer and the code, the pin from with  
6 the pinhole camera, what happens with that information?

7 A The information is generally put into a computer  
8 where the information collected from the mag stripe reader  
9 will be matched up or paired with the information collected  
10 in the pinhole camera. So you can re-encode a gift card,  
11 per se, with legitimate account information and also have a  
12 pin number associated with the account.

13 Q Okay. And in this case, were you involved in the  
14 investigation of the defendant?

15 A Yes, I was.

16 Q And how did you get involved?

17 A I was contacted by the Oshkosh Police Department  
18 that they were investigating some possible access device  
19 fraud occurring in the Oshkosh area, and I responded to  
20 Oshkosh afterwards.

21 Q Okay. And when you got there, did you go by  
22 yourself, or did you go with anybody else?

23 A I initially went by myself.

24 Q Okay. And did anybody else in the Secret Service  
25 join you?

1 A My boss did afterwards, yes.

2 Q And what's your boss's name?

3 A Kerry Dyer.

4 Q And is he in court here today?

5 A He is.

6 Q Watching you testify?

7 A Yes.

8 Q Okay. Could you please tell us where he's seated  
9 and point him out?

10 A He's seated in the back of the room.

11 MS. MORENO-TAXMAN: Let the record reflect the  
12 identification of his supervisor.

13 BY MS. MORENO-TAXMAN:

14 Q You went to Oshkosh; is that right?

15 A Yes, I did.

16 Q And what was the first thing you did when you got  
17 there?

18 A I initially went to the hotel to meet with a  
19 couple of the detectives, and afterwards I responded over to  
20 the police department.

21 Q And once you went to the police department, which  
22 was the first room you went into?

23 A I went into the detective's bureau, and from there  
24 we went into the conference room where the defendant had  
25 been placed.

1           Q     Okay. And when you were in the conference room,  
2 did you advise him of his rights?

3           A     I did.

4           Q     I'm going to place in front of you a folder that  
5 has several exhibits in it. It has your name typed on the  
6 front. Do you have that? I'll hand you that folder.

7           A     Thank you.

8           Q     Could you please look at Exhibit No. 10 and tell  
9 us what you see, what it is?

10          A     This is the U.S. Secret Service Miranda warnings  
11 form.

12           MS. MORENO-TAXMAN: Your Honor, I would move to  
13 admit Exhibit 10.

14           THE COURT: All right. The Court will receive  
15 Exhibit 10.

16           MS. MORENO-TAXMAN: And permission to publish.

17           THE COURT: You may.

18 BY MS. MORENO-TAXMAN:

19           Q     Okay. So this was the first thing you did when  
20 you talked to him?

21          A     It was.

22          Q     And can you tell us what rights you advised him  
23 of?

24          A     "You must understand your rights before we ask you  
25 any questions. You have the right to remain silent.

1 Anything you say can and will be used against you in a court  
2 of law. You have the right to talk to a lawyer and have him  
3 present with you while you're being questioned. If you  
4 cannot afford to hire a lawyer, one will be appointed to  
5 represent you before any questioning, if you wish. You can  
6 decide at any time to stop the questioning and not answer  
7 any questions or make any statements."

8 Q And is that initialed by you or signed by you?

9 A It's signed by me and Sergeant Ansell.

10 Q Okay. And what about the defendant?

11 A The defendant signed his name himself.

12 Q Okay. When we say the "defendant," do you see  
13 that person in court here today?

14 A I do.

15 Q Can you tell us where he's seated and what he is  
16 wearing?

17 A He's seated at the table directly behind you.  
18 He's wearing a gray suit with a white shirt.

19 MS. MORENO-TAXMAN: May the record reflect the  
20 identification of the defendant?

21 THE COURT: The record will so reflect.

22 BY MS. MORENO-TAXMAN:

23 Q And how would you describe his demeanor?

24 A He was cooperative.

25 Q Okay. And did he talk to you generally about what

1 he had been involved in?

2 A He did.

3 Q Okay. Now, that room did not have a video  
4 recorder; is that right?

5 A It did not.

6 Q And did you at some point move to a room that had  
7 a video recorder?

8 A Yeah. Later, when he was writing his written  
9 statement, he was moved to a room with video recording.

10 Q Okay. And do you know if that statement was audio  
11 and video recorded?

12 A The statement -- in the basement, when he was  
13 writing his written statement, it was, yes.

14 Q Okay. Was he given a form to write a written  
15 statement?

16 A Yes, he was.

17 Q Okay. And I would like you to look at what's  
18 marked as Exhibit 11. Would you please identify that?

19 A Yep. It's a statement form. That's a Secret  
20 Service form.

21 Q Okay. And what is on that form?

22 A On the form it has the date, city, the county and  
23 the state, along with the defendant's name, the date that we  
24 talked to him. He had been advised by me that he has the  
25 same warnings that he had previously, and then his written

1 statement goes on for three pages.

2 Q Is that the statement of the defendant?

3 A Yes, it is.

4 Q And who wrote that?

5 A The defendant wrote it himself.

6 Q Okay. And while he was writing this, was it also  
7 videotaped?

8 A It was.

9 Q Okay. Now, you were in court today when  
10 Detective Hinke testified at the beginning of Exhibit 12B  
11 and 12B1?

12 A I was.

13 Q And is it fair to say that she was there at the  
14 beginning of that statement but then left?

15 A She was.

16 Q And you reviewed Exhibits 12B1 and 12B as well as  
17 12C?

18 A I have.

19 MS. MORENO-TAXMAN: At this time, Your Honor, I  
20 would ask to have the Court admit Exhibits 12B, 12B1, 12C,  
21 and 12C1?

22 MR. ULLER: Objection. 403. Cumulative.

23 THE COURT: The objection is overruled.

24 The Court will allow you to proceed with the  
25 playing of each of those tapes: 12B, 12B1, 12C, 12C1.

1 MS. MORENO-TAXMAN: Can we please go to 12B1?

2 (Video played to the jury.)

3 BY MS. MORENO-TAXMAN:

4 Q I see Detective Hinke. Who is the person sitting  
5 in that chair?

6 A The chair on the left is the defendant; the chair  
7 on the right is me.

8 Q All right. Please continue.

9 (Video played to the jury.)

10 BY MS. MORENO-TAXMAN:

11 Q Can you tell us who is talking there?

12 A That's my supervisor.

13 Q What's his name?

14 A Kerry Dyer.

15 Q Okay. All right. You can continue.

16 (Video played to the jury.)

17 BY MS. MORENO-TAXMAN:

18 Q Then at this point, did you step out of the room?

19 A I did.

20 THE COURT: Ms. Moreno-Taxman, we've reached the  
21 end of our trial day, and we'll pick up with the balance of  
22 Agent Hoalcraft's testimony tomorrow at 8:30.

23 Members of the jury, I want you to leave this  
24 evening again with the admonition that I've given you  
25 throughout the day, and that is please do not discuss this

1 case either among yourselves nor with anyone with whom you  
2 might have contact this evening. Similarly, I do not want  
3 any of you to conduct any independent investigation of the  
4 facts or anyone associated with this case.

5           As I instructed you during my preliminary  
6 introductory instructions this morning, you are called upon  
7 to fulfill that most important of civic obligations, to  
8 decide the facts in this case from the evidence presented  
9 here in this courtroom and from no other source.

10          And in order to insure that each of you keep the  
11 pledge that you took when you took the oath to serve, please  
12 keep in mind that you are to decide this case solely on the  
13 basis of the evidence presented during the trial and in  
14 accordance with the Court's instructions on the applicable  
15 law.

16          I'm now going to excuse you for this evening. I  
17 would invite you to be back in the jury room tomorrow  
18 morning shortly before 8:30, and we'll be ready to proceed  
19 at that time.

20          The Court stands in recess.

21          (Trial adjourned to continue the following day.)

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1                   C E R T I F I C A T E  
2  
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4                   I, Richard D. Ehrlich, a Registered Merit Reporter  
5                   and Certified Realtime Reporter, certify that the foregoing  
6                   is a true, complete, and accurate transcript of the  
7                   proceedings ordered to be transcribed in the above-entitled  
8                   case before the Honorable J.P. Stadtmauer, and jury, in  
9                   Milwaukee, WI, on September 10, 2018.

10                  s/Richard D. Ehrlich September 21, 2018

11                  \_\_\_\_\_  
12                  Richard D. Ehrlich, Official Court Reporter  
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